



Teaching
Regulation
Agency

Mr Michael Joseph Pedley: Professional conduct panel outcome

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

September 2023

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

Teacher:	Mr Michael Joseph Pedley
Teacher ref number:	7437455
Teacher date of birth:	19 January 1956
TRA reference:	17879
Date of determination:	19 September 2023
Former employer:	Needwood School, Barton, Staffordshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 to 8, 11 to 15 and 18 to 19 September 2023 to consider the case of Mr Michael Joseph Pedley. The panel convened at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT on 6 to 8 and 11 to 15 September 2023. On 18 and 19 September 2023, the hearing was conducted by virtual means.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Gamel Byles (teacher panellist) and Mr Paul Hawkins (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP.

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP.

Mr Pedley attended the hearing virtually and was not represented.

Mr Guy Micklewright, of counsel, attended the hearing on 7, 8, 11 and 12 September 2023 for the purpose of questioning Pupils A, B, C and D, having been appointed as an independent advocate pursuant to directions made by the panel at a Case Management Hearing on 29 August 2023.

The hearing was recorded. The panel heard Mr Pedley's application for postponement and the evidence of Pupils A, B, C and D in private. The remaining parts of the hearing took place in public.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 3 July 2023.

It was alleged that Mr Pedley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Needwood School for the partial hearing in Barton, Staffordshire from 1981-1985 and/or whilst employed as a teacher in or around 1985 -1987, he:

1. Engaged in inappropriate physical contact with Pupil A whilst she was a pupil at Needwood School, including by:
 - a. Touching Pupil A's breast or breasts whilst in the School corridor;
 - b. Taking Pupil A into the PE storeroom and having sexual intercourse with her.
2. Engaged in inappropriate physical contact towards Pupil B, including by penetrating her with his penis without her consent whilst she showered in the PE changing rooms.
3. Engaged in inappropriate behaviour towards Pupil C, including by causing her to inhale a chemical, the effects of which made her become unconscious.
4. Engaged in inappropriate physical contact towards Pupil C, including by:
 - a. Engaging in sexual activity with Pupil C in the science preparation room at a time when Pupil C was unconscious;
 - b. Grabbing Pupil C by the waist whilst in the School's swimming pool;
 - c. Grabbing Pupil C's breast whilst in the School swimming pool.
5. Engaged in inappropriate behaviour towards Pupil D, including by:
 - a. Requesting that Pupil D take his clothes off whilst in the PE storeroom;
 - b. Requesting that another pupil masturbate Pupil D whilst in the science preparation room.
6. Engaged in inappropriate physical contact and/or inappropriate behaviour towards Pupil E, including by:
 - a. Inserting his fingers into Pupil E's anus;
 - b. Inserting his penis into Pupil E's anus;
 - c. Rubbing Pupil C's testicles;

- d. Touching Pupil E's bottom;
 - e. Masturbating Pupil E and/or requesting that Pupil E masturbate himself on one or more occasions;
 - f. Placing a chemical on Pupil E's penis whilst in the science storeroom;
 - g. Pushing Pupil E's head under water whilst he was bathing.
7. Engaged in inappropriate physical contact towards Pupil A after she had left Needwood School, including by attending at Pupil A's home and kissing and cuddling her.
8. His conduct as may be found proved in allegations 1 to 7 above was of a sexual nature and/or sexually motivated.

Mr Pedley denied the alleged facts and also denied that he was guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Application for postponement

Mr Pedley made an application for postponement of the hearing. He submitted that he had not had an opportunity to prepare for the hearing. Mr Pedley said that he had travelled to [REDACTED] in May 2023 to be with [REDACTED] and that he had not returned until 24/25 August 2023. He said that, when he was in [REDACTED], his laptop remained in England and he did not have direct access to emails, but that [REDACTED] had checked on messages periodically and informed him of some of the contents. Mr Pedley also referred to the Case Management Hearing (CMH) that was held on 29 August 2023. The application was opposed by Mr Perkins.

The panel carefully considered the submissions made by Mr Pedley and Mr Perkins and reviewed the email correspondence between Mr Pedley and Browne Jacobson and the TRA. The panel noted that, following a direction at a CMH in February 2023, Mr Pedley sent an email to the TRA in which he confirmed his availability for a hearing in the period from 26 August 2023 to 30 September 2023. The hearing was subsequently listed to commence on 6 September 2023. Mr Pedley was notified of the hearing date by email dated 30 June 2023 and the Notice of Proceedings was sent to him on 3 July 2023. The panel was satisfied that Mr Pedley has had more than adequate time to prepare for this hearing. The panel also noted that Mr Pedley had already submitted over 500 pages of evidence in response to the TRA's evidence, including references to the transcripts of the Crown Court hearings that form a significant proportion of the hearing bundle.

Furthermore, having listed the matter for hearing, arrangements were made by the TRA for the attendance of vulnerable witnesses with British Sign Language (BSL) interpreters and a lawyer to ask questions on behalf of Mr Pedley. The panel concluded that the hearing should proceed and that Mr Pedley's application for a postponement should be refused.

Application to amend allegations

An application was made by Mr Perkins to amend the allegations for the purpose of correcting an inaccuracy and a typographical error in the Notice of Proceedings. Allegation 4a had referred to 'science preparation school' when it should have read 'science preparation room'. Allegation 5a included the word 'of' rather than 'off'. Mr Pedley did not oppose the application to amend allegations 4a and 5a. The panel agreed to the amendments on the basis that they were needed to correct an inaccuracy and a typographical error and did not change the substance of the allegations.

Public or private hearing

The panel proposed that the evidence of Pupils A, B, C and D be heard in private as an additional special measure. Mr Perkins and Mr Pedley did not object to this proposal. After receiving legal advice, the panel determined that the evidence of Pupils A, B, C and D should be heard in private on the basis that this measure was necessary to protect their interests as vulnerable witnesses. The hearing would otherwise be held in public.

Application to admit an additional document

On day 5 of the hearing, Mr Pedley made an application to admit an extract of his employment history from a document prepared by Teachers' Pensions. Mr Perkins did not object to the admission of this document. The panel agreed to admit this document on the basis that it was relevant and it would not be unfair to admit it.

Summary of evidence

Documents

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

Section 1: Notice of Proceedings – pages 9 to 15

Section 2: Anonymised pupil list – page 17

Section 3: Teaching Regulation Agency witness statements – pages 19 to 51

Section 4: Teaching Regulation Agency documents – pages 53 to 1547

Section 5: Teacher documents – pages 1550 to 2142

On day 4, at the request of the panel, Mr Perkins submitted a more comprehensive anonymised list of pupils likely to be referred to in evidence at this hearing.

In addition, on day 1 of the hearing, for the purpose of considering Mr Pedley's application for a postponement, the panel agreed to accept the following documents:

- Emails between Mr Pedley and Browne Jacobson dated 22 February 2023 to 5 September 2023;
- Emails between Mr Pedley and the TRA between dated 24 January 2023 to 5 September 2023;
- Record of dental appointment for Mr Pedley;
- Letter confirming medical appointment for Mrs Pedley;
- Decision made at CMH on 21 February 2023;

The panel members confirmed that they had read all of the documents within the bundle in advance of the hearing and the additional documents that the panel decided to admit before making a determination in relation to Mr Pedley's application for a postponement.

Witnesses

The panel heard oral evidence from Individual A ([REDACTED]), Pupils A, B, C and D (former pupils of Needwood School) and Mr Michael Joseph Pedley. The evidence of Pupils A, B, C and D was presented to the panel through the use of two BSL interpreters.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Between 1981 and 1985, Mr Michael Pedley was employed as Head of Physical Education and Science at Needwood School for the Partial Hearing in Barton, Staffordshire ("the School"). This was a day and boarding school for children with profound hearing difficulties. The School was an oral speaking school and the use of sign language was not permitted. The School had approximately 100 pupils. Mr Pedley taught PE and science and lived on the premises for some of this time along with other members of staff. The School closed in 1985.

Pupils A, B, C, D and E were pupils who attended the School in the 1980s and were taught by Mr Pedley. In 2008 Pupil E made a complaint to the police that he had suffered sexual abuse when attending the School in the 1980s. He was video-interviewed during which he made detailed allegations. However, when he reported the matter to the police, he got the name of the teacher wrong. He gave the name Mr Penney rather than Mr Pedley. The police were unable to locate a teacher called Mr Penney and no further action was taken at that point.

In January 2015, Pupil A had a chance meeting with Individual B, who had previously taught at the School at the same time as Mr Pedley. After that meeting, Pupil A and Individual B stayed in touch. At a meeting in March 2015, Pupil A told Individual B that she had been sexually abused by Mr Pedley when she had attended the School. Individual B then reported this to the police and later had contact with other former pupils of the School. The police investigation that had begun in 2008 was then recommenced. At the conclusion of the police investigation, Mr Pedley was charged with a number of serious sexual offences in respect of which the alleged victims were Pupils A, B, C, D and E.

In June 2017, Mr Pedley appeared for trial in the Crown Court. Pupils A, B, C, D and E all gave evidence at that trial. At the conclusion of the trial, the jury found Mr Pedley not guilty in relation to a number of alleged offences, but were unable to reach a verdict in relation to others. The Crown Prosecution Service subsequently determined that there should be a further trial in relation to the alleged offences in respect of which the jury had been unable to reach a verdict.

In January and February 2018, Mr Pedley appeared for his second trial in the Crown Court. Pupils A, C and E gave evidence at this trial. In relation to a count in the indictment which concerned Pupil A, it came to light after Pupil A had completed her evidence that there had been [REDACTED]. This made it necessary for Pupil A to be recalled. However, as Pupil A had by now travelled to [REDACTED], the Crown Prosecution Service determined that no evidence would be offered in relation to that count. Following this, the judge directed the jury to return a verdict of not guilty. After hearing all of the evidence presented, the jury returned not guilty verdicts in relation to the remaining counts.

Following the second criminal trial, Mr Pedley was referred to the TRA.

Pupils A, B, C and D attended this hearing in person and gave evidence through British Sign Language (BSL interpreters). Before hearing evidence from those witnesses, the panel had the benefit of hearing expert evidence from Individual A, [REDACTED]. Individual A described differences between BSL and English language and communication difficulties that might be experienced by deaf witnesses when giving evidence in legal proceedings. Individual A explained that there was no simple direct translation between BSL and English language as the modalities of production were

different. BSL was predominantly visual, whereas English was either sound based or text. There was no agreed form of BSL text, leading to the possibility that BSL interpreters might use different words in translating the evidence of a deaf witness. This had the potential for distorting understanding between the parties. Individual A also gave guidance as to how questions should be phrased to facilitate the understanding of deaf witnesses. This included avoiding the use of double negatives and passive voice sentences. In the light of Individual A's evidence, the panel endeavoured to ensure that each witness had a clear understanding of the questions being asked. The panel also took the opportunity to obtain guidance from Individual A and the two BSL interpreters attending the hearing as to how the hearing room should be set up in order to achieve the best evidence from deaf witnesses.

The panel acknowledged that extreme caution was required when considering the memories of witnesses. The panel recognised that it was appropriate to approach testing the evidence of witnesses, where possible, by reference to objective facts and any contemporaneous documents. However, there was very little in the way of such documentation in this case. In these circumstances, the panel felt that it was able to attach some weight, where appropriate, to the demeanour of witnesses. That said, the panel avoided making any initial general assessment of the credibility of any witness by reference to their demeanour and confined its analysis to the specific allegations and consistency or lack of consistency with other evidence.

The panel also recognised that it was dealing with matters that were alleged to have taken place many years ago. The panel made allowances for the fact that, with the passage of time, memories can fade or change. Witnesses, whoever they may be, cannot be expected to remember with crystal clarity, events which occurred many years ago. From the point of view of Mr Pedley, the panel also appreciated that the longer the time since an alleged incident, the more difficult it may have been for him to answer the allegations. This was considered in Mr Pedley's favour in deciding whether the allegations against him were proved on the balance of probabilities.

Findings of fact

The findings of fact are as follows:

1. Engaged in inappropriate physical contact with Pupil A whilst she was a pupil at Needwood School, including by:

a. Touching Pupil A's breast or breasts whilst in the School corridor;

Pupil A said that she attended the School between 1978 and 1983 when she was between [REDACTED]. She boarded at the School from Mondays to Fridays and went home at weekends. Pupil A said that she liked the School because it was located in a beautiful building and that she developed a strong family bond with other pupils.

However, she believed that she had a poor educational experience as the School was completely oral and pupils were not allowed to use sign language. She felt that this was a disadvantage as she had been [REDACTED], but was able to use sign language as her [REDACTED].

Pupil A said that Mr Pedley taught her PE and science. She described an incident which she said happened in the corridor of the School. Pupil A said that she had been standing in the corridor talking to some other female pupils. It was a long corridor, but it had an L shape or corner at one end. She had been standing at that end of the corridor which was like a cupboard area where pupils put their shoes and coats. Pupil A said that she had heard footsteps and the other girls walked away, leaving her alone. Pupil A said that Mr Pedley then approached her and, when standing directly in front of her, he put his hands on her breasts over her clothing. She thought that it had been both breasts, but it may have just been one of them. Pupil A said that it was a deliberate act. Mr Pedley did not say anything to her, but she noted that he was smirking at the time. Pupil A said that she was very shocked by this. Pupil A said that she now felt that Mr Pedley had been testing her reaction to see if she reported what he had done. She did not tell anyone what had happened at the time as she did not think that she would be believed and that she might get expelled, which was something that she did not want to happen. Pupil A had felt unable to tell her parents as she said they were quite strict and she was concerned that they would tell her that she had been naughty.

Mr Pedley denied this allegation and said that it did not happen. It was put to Pupil A on his behalf that the corridor area in which she said the incident happened would have been busy. Pupil A said that the incident took place between about 4pm and 5pm. This was after lessons for the day had finished and before tea. She thought that by the time the incident occurred, the day pupils would have already gone.

Pupil A was referred to an email that she had sent to [REDACTED] Individual C of [REDACTED] on 8 April 2015. This email had been sent by Pupil A in response to the request that Pupil A should attend the police station for a video interview. In this email, Pupil A had said, "*Because it happens [REDACTED] I don't recall many things*". Pupil A said that she had been initially apprehensive about giving a statement to the police, but that she had been able to recall relevant events and she had done so when she provided a detailed statement to the police on 1 June 2015.

The panel found the evidence of Pupil A in relation to this allegation to be credible and that it was more likely than not that the incident occurred as alleged.

The panel found allegation 1a proved.

b. Taking Pupil A into the PE storeroom and having sexual intercourse with her.

Pupil A said that she had been talking to some friends outside of the School buildings when Mr Pedley saw her and he signalled to her to go to the gym. Pupil A said that she lip-read that Mr Pedley had said "you over here" when also pointing his finger. Pupil A said that Mr Pedley had been approximately 15 yards away from her at that time. Pupil A said that Mr Pedley had a moustache at the time, but this had not prevented her from lip-reading as she said that his moustache had not extended below his top lip.

Pupil A said that she then entered the PE storeroom as directed by Mr Pedley and he then followed her in. When she went in, there were gym mats on the floor. She initially thought that she was being punished for something and would be made to clean up. Pupil A said that Mr Pedley then closed the doors behind him and locked them. At this point, Pupil A said that she began to feel threatened. Pupil A said that the doors that Mr Pedley had locked behind him had glass panels in them that could be used as a window to see into the room. She said that there was a thick blue mat on the floor of the storeroom, which was used for activities such as the high jump. She said that Mr Pedley then placed a thinner blue mat so that the windows in the door were blocked, which prevented anyone outside from seeing in. She could not recall how the thinner blue mat had been made to stand up, but thought that it might have been leaning against something.

Pupil A said that Mr Pedley asked her to get onto the mat on the floor. She could not recall everything as she had tried to block this out of her mind, but she remembered lying down on the mat. She recalled that she was wearing navy blue shorts and a short-sleeved shirt and that Mr Pedley was wearing a white short-sleeved shirt, which had a pocket on the chest. Pupil A said that, when she was lying on the mat, Mr Pedley undid the zip on his trousers and pulled his trousers down. He then pulled her shorts down and got on top of Pupil A and started to have sex with her. Pupil A said that Mr Pedley did not say anything to her. Pupil A said that she just froze and that, when Mr Pedley finished having sex with her, he took some paper from his trouser pocket, withdrew himself from her and then wiped himself with the piece of paper. He then folded the piece of paper, which Pupil A said was about half the size of A4, and put it in the pocket of his shirt. Pupil A said that Mr Pedley then got dressed and acted as if nothing had happened. After this, Pupil A said that she went back to the school building and did not tell anyone what had happened to her.

Pupil A said that she was not sure if Mr Pedley had sex with her on subsequent occasions. She said that her mind was blank on this as she had tried to block it out. She did have a recollection of going upstairs with him to the typing room on a subsequent occasion. Pupil A was asked about her email dated 8 April 2015 to Individual C, in which Pupil A had said, *"I don't remember giving consent about it but I did not fight back. I just went along with it. He was being nice and sort of groomed me"*. Pupil A explained that

she had recognised that Mr Pedley could have been quite rough with her, but he had not been. She thought that he had been quite nice towards her. Pupil A said that at the time of the incident, she was being bullied and excluded from a group of friends. This had caused her to feel lonely. She said that she now realised that Mr Pedley had taken advantage of her and had made her feel like she was getting attention and was special.

Mr Pedley denied this allegation and said that it did not happen. He said that he had never managed to stand up a gym mat as they were by their nature flexible and designed to lie on the floor. In his evidence in the first Crown Court trial, Mr Pedley said that, aside from the crash mat that was used for activities such as the high jump, the only other type of mat that the School had was an India rubber honeycomb mat that was green in colour. Indeed, Pupil A was cross-examined by Mr Pedley's counsel at the same trial on the basis that there were no blue mats. However, in his evidence at this hearing, Mr Pedley said that there were blue mats in addition to the green honeycomb mats. Mr Pedley still maintained that the blue mats would not stand up without support.

Pupil A provided a drawing of the layout of the PE storeroom for the purpose of this hearing. When Pupil A was questioned on behalf of Mr Pedley, it was suggested that this drawing was different to an earlier drawing that Pupil A had prepared when she had been interviewed by the police. The suggested difference related to the position of a second blue mat that Pupil A had said had been placed to the left of the PE storeroom at right angles to another blue mat to form an L shape. It was suggested to Pupil A that the second blue mat had not been drawn on the plan that Pupil A had provided to the police. It was also suggested that, in the absence of the second blue mat, it would have been possible for someone outside to see into the PE storeroom. It was put to Pupil A that she had changed her evidence since the Crown Court trial. Pupil A denied this. The panel noted from the transcript of the first Crown Court trial, this issue had been raised when Pupil A was cross-examined by counsel for Mr Pedley. The transcript showed that Pupil A referred to the presence of two mats supporting each other to create an L shape. When asked at that trial why the second mat had not been included in the initial drawing, Pupil A maintained that it had been drawn in. When asked to draw it at the trial, Pupil A said that she had merely "gone over in bold the etching that she had drawn there before". The panel was satisfied that the evidence that Pupil A had given at the first Crown Court trial about the presence of the two mats was consistent with the evidence given at this hearing.

At this hearing, it was also put to Pupil A on behalf of Mr Pedley that her evidence had changed about the piece of paper that she said Mr Pedley had used to wipe himself after sexual intercourse had taken place. In her statement for this hearing, Pupil A said that Mr Pedley had removed the piece of paper from his trouser pocket and replaced it in the pocket of his shirt. In her initial statement to the police, Pupil A had said that the piece of paper came from Mr Pedley's shirt pocket and ended up in his trouser pocket. Pupil A said that she was now unsure which way around it was, but was clear that Mr Pedley had

wiped himself with a piece of paper that he had taken from one of his pockets. Although this was an inconsistency in the evidence of Pupil A, the panel felt that this was a difference which could be explained by the passage of time and was not a material inconsistency which affected the reliability of Pupil A's evidence. The panel was satisfied that Pupil A was a credible witness and preferred her evidence to that of Mr Pedley.

The panel found allegation 1b proved.

2. Engaged in inappropriate physical contact towards Pupil B, including by penetrating her with your penis without her consent whilst she showered in the PE changing rooms.

Pupil B gave evidence that she attended the School between 1976 and 1982 and that the alleged incident involving Mr Pedley had occurred when she was about [REDACTED]. In her written statement for this hearing, Pupil B had said that she knew Mr Pedley for about three and a half years before she left the School. At the outset of her evidence, it was drawn to her attention that Mr Pedley had not started to teach at the School until September 1981. He was not at the School when Pupil B was [REDACTED] and so she could only have been at the School for one school year when Mr Pedley taught there, rather than the period of three and a half years as described in her written statement.

Pupil B said that, on the day in question together with approximately 14 other pupils, she had been playing hockey outside. They were all muddy and needed to shower. Pupil B said that when she went into the shower there was another girl in the shower cubicle next to her, but she did not know which pupil this was. Pupil B said that she got in the shower and adjusted the heat. She said that, after about two minutes, Mr Pedley pulled the shower curtain open. Pupil B said that Mr Pedley pulled down his trousers and pants, grabbed her upper arms and pushed her against the wall. She said that her feet were not touching the floor. Pupil B said that Mr Pedley penetrated her with his penis twice. She had tried to push him away, but Mr Pedley was too strong for her. Pupil B said that Mr Pedley then went into the next cubicle where the other girl was screaming. She said that she could not see who the other girl was as that girl was bending over with her hands covering her face with clenched fists.

[REDACTED]

The panel was satisfied that Pupil B had done her best to assist the panel in giving her evidence. However, there were inconsistencies in her evidence which the panel regarded as significant and which could not be fully explained by difficulties in communication. The panel concluded that, in isolation, Pupil B's evidence could not be relied upon in order to find the allegation proved.

The panel found allegation 2 not proved.

3. Engaged in inappropriate behaviour towards Pupil C, including by causing her to inhale a chemical, the effects of which made her become unconscious.

Pupil C said that she attended the School between 1978 and 1983 when she was between [REDACTED]. Pupil C said that Mr Pedley taught her science for around two years when she was aged between [REDACTED]. Pupil C gave evidence about a particular science lesson that she attended when she was approximately [REDACTED]. Pupil C said that that the lesson took place in the science room, which she described as quite a big room with stools and desks. She said that there were approximately six other pupils in the lesson with her. Pupil C said that in the lesson concerned, Mr Pedley told the class to follow him to stand by a high desk that was located on the left side of the science room. Pupil C said that Mr Pedley was talking to the class about drugs, but she did not really understand what he was talking about. Mr Pedley then told her to "come here", following which she went to stand next to Mr Pedley. Pupil C said that Mr Pedley had a clear bottle in his hand which he showed to the class. She thought that the bottle had a label on it, but she could not read it as it was on the side of the bottle facing the class. Pupil C described how Mr Pedley opened the bottle and poured some of the liquid onto a cloth and told her to breathe it in. She followed his instruction and he then asked her to do it again, which she did. She then started to feel dizzy. Mr Pedley told her to write her name down on a piece of paper, which she did. Mr Pedley told her to sniff the cloth once more and write her name again. After sniffing the cloth again, Pupil C said she felt that the room was spinning, she could not see properly and she was unsteady on her feet. When she tried to write her name, her handwriting was dreadful and all of the other pupils were laughing at her. Pupil C said that Mr Pedley then took her away from the other pupils into the science preparation room.

Pupil G gave evidence at the first Crown Court trial. She said that she had been a pupil at the School between 1979 and 1983. She said that she had been present in a science lesson when Mr Pedley said that he would try to show the class what being drunk was like. She said that he poured some liquid from a bottle or glass onto a cloth and then put the cloth over Pupil C's mouth, which made Pupil C groggy. Pupil G recalled that the cloth was put over Pupil C's mouth twice. Pupil G gave the same account at the second Crown Court trial. Pupil G was not clear as to how Pupil C left the classroom or where she went. In the first Crown Court trial she said that Pupil C might have been taken out by another pupil, but she was unable to confirm this in the second Crown Court trial.

Mr Pedley denied this allegation. In his evidence at this hearing, he said that he was sure that he would not have taught a science lesson in which he caused Pupil C to inhale a chemical the effects of which made her become unconscious. However, this was not consistent with the evidence that he gave at his first Crown Court trial. He then said: "*We have a witness who says it did happen, so I can only conclude that it might have happened, but I don't know what the circumstances were*". When giving evidence in his second Crown Court trial, when asked if he had put a chemical on a cloth and held it to a

pupil's mouth in a science lesson, Mr Pedley said, "*Not that I'm aware of*". He then said that it was not in his recollection, but acknowledged that it was possible that there was a gap in his recollection.

Mr Pedley told the panel that he could not think of any chemicals that would have the effect of causing a person to become unconscious. However, it was pointed out to him by Mr Perkins in cross-examination that, when giving evidence in the Crown Court, Mr Pedley mentioned chloroform and ether as being capable of causing that effect. However, he denied that those chemicals were present in the School when he was there. Mr Pedley said in his evidence to the panel that lithium was the only chemical kept in the poisons cupboard in the storeroom. However, when giving evidence in his first Crown Court trial he said there were "one or two other things".

The panel found Mr Pedley's evidence about this allegation to be inconsistent and contradictory. In contrast, the panel found Pupil C's evidence, supported to some extent by the hearsay evidence of Pupil G, to be credible. The panel was satisfied that it was more likely than not that the incident had occurred as described by Pupil C.

As to whether this amounted to inappropriate behaviour, Mr Pedley conceded in his evidence at this hearing that such a lesson, as described by Pupil C, would have limited educational value and would be dangerous. The panel was satisfied that causing a pupil to inhale a chemical which caused them to lose consciousness would have been regarded as inappropriate behaviour by a teacher in the 1980s or indeed at any time.

The panel found allegation 3 proved.

4. Engaged in inappropriate physical contact towards Pupil C, including by:

a. Engaging in sexual activity with Pupil C in the science preparation room at a time when Pupil C was unconscious;

As mentioned in relation to allegation 3, Pupil C said that after she had inhaled the chemical on the cloth, Mr Pedley took her away from the other pupils into the science preparation room. This was described by her as a room leading off the science classroom which was used to store chemicals. Pupil C said that Mr Pedley then told her to lie down on the floor, which she did immediately. She said that she laid on a gymnastics mat. Pupil C said that Mr Pedley went out of the science preparation room for a short period before returning when he checked her pulse on her wrist and neck. She said that Mr Pedley went away again. When he returned, he asked her to open her blouse. Pupil C said that Mr Pedley then put his hand inside her blouse and onto her breast at which point she blacked out. Pupil C said that, at the point at which she blacked out, Mr Pedley's hand was on her breast. She did not know how long she was unconscious for, but when she came to, Mr Pedley was tapping her face and telling her to wake up. Pupil C said that she was still feeling woozy when she stood up. She could then see that the

rest of the class had left the science classroom and gone for lunch. She said that Mr Pedley then put his arm around her and helped her to the dining room.

Mr Pedley denied this allegation. In his defence, Mr Pedley submitted a copy of a photograph of the science room which he said had been obtained from the archives of a local newspaper, [REDACTED], after his second Crown Court trial. The photograph showed Mr Pedley in the science classroom with some pupils. Mr Pedley drew the panel's attention to the open door on the left side of the photograph, which he said was the science preparation room. He also drew attention to the window or glass panel to the left hand side of that door. Mr Pedley said in his evidence and repeated in his submissions that pupils in the science classroom would have been able to see through this window into the science preparation room. He also referred to the evidence of Pupil C to the effect that pupils had gathered for the lesson concerned on the left side of the science classroom and would have been close to the window into the science preparation room. He asserted that, if he had acted as alleged by Pupil C, the other pupils in the class would have had a clear view.

The panel noted that, at Mr Pedley's first Crown Court trial, Individual B was asked about the science preparation room. She said that this used to be referred to as the dark room because the teacher prior to Mr Pedley had used it for photography. The panel noted that the photograph submitted by Mr Pedley showed that there was a window above the doorway into the science preparation room. Mr Pedley accepted that the photograph showed that there was a black blind at this window. Mr Pedley submitted that the window or glass panel to the left of the door to the science preparation room did not have a blind. However, the panel noted that the inside of the science preparation room could be seen through the open doorway, but not through the window or glass panel to the left of the doorway. It appeared to the panel from viewing the photograph concerned that there was a blind behind the window to the left of the door. This could not be conclusively determined from the photograph presented. However, the presence of the blind above the door was consistent with the evidence of Individual B that the room had previously been used as a dark room. The only possible purpose of the blind above the door would have been to block light from entering the science preparation room. That would not have been an effective means of blocking light into that room if there had not also been a means of blocking light through the window or glass panel to the left of the door. The panel concluded that it was more likely than not that there had been a blind to block light into the room, which when in place, would also have prevented anyone in the science classroom seeing into the science preparation room.

The panel also noted that the evidence of Pupil C was that, by the time she regained consciousness, the other pupils in the class had left the science classroom to go to the dining room.

The panel found Pupil C to be a credible witness and preferred her evidence about this allegation to that of Mr Pedley. The panel was satisfied that the touching of Pupil C's breast amounted to sexual activity.

The panel found allegation 4a proved.

b. Grabbing Pupil C by the waist whilst in the School's swimming pool;

c. Grabbing Pupil C's breast whilst in the School swimming pool.

The panel considered allegations 4b and 4c together.

Pupil C said that on a date in July, they were about to finish school for good. She said that after lessons that day Mr Pedley told everyone to go to the swimming pool for fun time. Everyone got into the pool and Mr Pedley was also in the pool. Pupil C said that she remembered thinking that she did not want to be anywhere near him. Pupil C said that Mr Pedley was picking pupils up and throwing them down into the water. Pupil C said that Mr Pedley came over to her, grabbed her around the waist and then grabbed her breast. She said that this was when she was under water. She was struggling to get away.

Mr Pedley denied this allegation. He accepted that he had been in the pool for fun time and that he was dunking pupils. He said that he could have inadvertently touched Pupil C's breast when acting in this way.

When Pupil C gave evidence in the Crown Court, she was asked if she thought it was possible that Mr Pedley's grip had slipped and that he had accidentally touched her breast. Pupil C responded that she thought that Mr Pedley had done it on purpose as he had pulled her under the water to do so in order that nobody else could see. In her oral evidence at this hearing, Pupil C used the term 'groping' to describe Mr Pedley's actions. Pupil C said that her boyfriend at the time, Pupil H, was under water wearing goggles. Pupil C said that, after they got out of the pool, Pupil H told her that he had seen Mr Pedley grabbing her breast. The panel regarded Pupil C as a credible witness and concluded that it was more likely than not that the incident occurred as described by her.

The panel was satisfied that Mr Pedley had engaged in inappropriate physical contact with Pupil C. The contact was unwanted. Pupil C's evidence was that Mr Pedley had grabbed her around the waist and then grabbed her breast. The panel concluded that his actions in grabbing her by the waist and breast were part of a course of conduct and should be viewed together.

The panel found allegations 4b and 4c proved.

5. Engaged in inappropriate behaviour towards Pupil D, including by:

a. Requesting that Pupil D take his clothes off whilst in the PE storeroom;

Pupil D gave evidence that he attended the School between 1976 and 1984. He was a boarding pupil. He referred to an occasion when he was in a PE lesson which was being taken by Mr Pedley. He said that, at the beginning of the lesson, Mr Pedley asked him to go into the storeroom. Pupil D said that Mr Pedley told him to put four mats into a square standing up, so that they created a barrier around him. Pupil D said that Mr Pedley did not explain why he had told him to do this. Pupil D said that, in order to make the mats stand up, he had propped them against what he described as "pommel horses". Pupil D said that these were already in the storeroom and he had moved them to place the mats against them. Pupil D said that, once the mats were in place, Mr Pedley told him to get inside the square that had been created by the mats. He said that, to get inside the square, he had to climb on some shelving which was at the left of the storeroom and jump over inside of the mats. He said that, once he was inside the mats, Mr Pedley was standing near the door where he could look out at the rest of the class and at Pupil D. He said that Mr Pedley then told him to take off his clothes. Pupil D was reluctant as it was cold, but he said that Mr Pedley got angry with him. Pupil D said that he took his clothes off and was left wearing his socks and underpants. Mr Pedley took the clothes that Pupil D had taken off and put them on the floor near the door and left Pupil D for the rest of the lesson. Pupil D said that he was cold and upset. He said that, at the end of the lesson, Mr Pedley came back and returned his clothes.

Mr Pedley denied the allegation and said that the incident did not happen.

Whilst Pupil D had done his best to assist the panel when giving evidence, the panel felt that there were inconsistencies in his evidence of a significant nature. By way of example, the panel noted that, in his initial police interview and when giving evidence in the Crown Court, Pupil D had said that Mr Pedley had placed the mats into a square. However, in his evidence at this hearing, Pupil D was adamant that he had been instructed to do so by Mr Pedley.

Consequently, the panel felt unable to rely upon his account of events to find this allegation proved.

The panel found allegation 5a not proved.

b. Requesting that another pupil masturbate Pupil D whilst in the science preparation room.

Pupil D said that he was in a [REDACTED] class when the [REDACTED], Individual D, left the classroom to answer a phone call from Mr Pedley. When Individual D came back in the classroom, he told Pupil D that Mr Pedley wanted to see him in the science room. Individual D told him to take his homework with him. Pupil D said that, when he got to the science room, Mr Pedley told him to go to the science preparation room, which he then did. He said that Mr Pedley followed him. Pupil D said that he told Mr Pedley that he had not finished his homework as he did not have a dictionary. Pupil D said that Mr Pedley

then got angry and gave him a dictionary. Pupil D said that he finished his homework as quickly as possible seated at a desk in the science preparation room. After he finished his homework, Mr Pedley beckoned Pupil F into the science preparation room and told her to do as she was told. He said that Mr Pedley told Pupil F and him to take off their clothes. Pupil D said that after they removed their clothes, Pupil F still had her bra on and he was wearing his vest. He said that Mr Pedley explained the difference between Pupil D and Pupil F but he did not know what Mr Pedley was talking about. He said that Mr Pedley then told Pupil F to start pulling on Pupil D's penis and she did this twice and then smacked Pupil D's bottom hard with her hand. Pupil D said that Mr Pedley then told them to put their clothes back on. Pupil D said that he told the [REDACTED] and Individual B about this incident on the same day, but nothing happened.

On questioning by the panel, Pupil D said that he understood what masturbation was, but he did not regard Pupil F pulling on his penis as masturbation. Despite this, the panel recognised that the allegation would be proved if the panel was satisfied, on the balance of probabilities, that Mr Pedley had requested that Pupil F masturbate Pupil D. However, there were a number of weaknesses in the evidence presented. There was no evidence from Pupil F as [REDACTED]. There was also no evidence to corroborate Pupil D's account that he had reported the incident to the [REDACTED] or Individual B. The [REDACTED] and Individual B did not refer to this incident in her evidence. Furthermore, there were some significant inconsistencies between Pupil D's evidence at this hearing compared with his account when first interviewed by the police. One example related to what Pupil F was wearing. At this hearing, Pupil D said that Pupil F removed her clothes. However, in his police interview, he said that Pupil F was wearing a pink dress and she remained fully clothed throughout the incident.

The panel concluded that the evidence presented in relation to this allegation was not sufficient to find the allegation proved.

The panel found allegation 5b not proved.

6. Engaged in inappropriate physical contact and/or inappropriate behaviour towards Pupil E, including by:

- a. Inserting your fingers into Pupil E's anus;**
- b. Inserting your penis into Pupil E's anus;**
- c. Rubbing Pupil E's testicles;**
- d. Touching Pupil E's bottom;**
- e. Masturbating Pupil E and/or requesting that Pupil E masturbate himself on one or more occasions**

f. Placing a chemical on Pupil E's penis whilst in the science storeroom;

g. Pushing Pupil E's head under water whilst he was bathing.

Pupil E did not attend this hearing to give evidence, but the panel was provided with a witness statement prepared for this hearing. In addition, the panel considered the transcripts of Pupil E's initial police interview and of his evidence given at the first and second Crown Court trials.

Pupil E's witness statement described four separate incidents involving Mr Pedley.

Pupil E said that the first incident had occurred when he was around [REDACTED]. He said that Mr Pedley grabbed his arm and pulled him into the male staff toilets. Pupil E said that Mr Pedley then either made him take his trousers off or Mr Pedley took them off. Pupil E was unable to recall which. Pupil E said that Mr Pedley made him bend over the toilet. Pupil E could see that Mr Pedley's penis was erect. Mr Pedley then wet his hand and put soap on his fingers and then put his finger or fingers in Pupil E's anus. He said that Mr Pedley put his hands on Pupil E's face and turned his face towards the wall. Mr Pedley then started putting his penis into Pupil E's anus. Pupil E said that this made him really sore and he thought that he had told Mr Pedley to stop, but he could not remember what he had said to Mr Pedley. Mr Pedley then withdrew his penis and ejaculated on Pupil E's back. Pupil E was unclear what time of day this incident occurred or what happened immediately afterwards.

Pupil E said that a second incident happened a few weeks after the incident in the male staff toilets. Pupil E said that he had just been to the bathroom for a wash and to clean his teeth. He then went into the bedroom that he shared with between six and eight other boys. He thought that the other boys were in the restroom watching TV at the time. Pupil E was alone in the room when he put on his pyjamas. Mr Pedley then came into the room and placed his hand on Pupil E's testicles. Mr Pedley asked Pupil E to masturbate himself. Pupil E said that he did as he was told by Mr Pedley. When he did so, Mr Pedley was touching Pupil E's bottom. Pupil E said that, as Mr Pedley left the bedroom, he put his finger to his lips to say 'shush'. Pupil E said that he was very upset and wanted to tell the [REDACTED] what had happened, but he was scared to do so.

Pupil E said that the third incident occurred a few days after the second incident. He said that he was in the chemistry lab when Mr Pedley told him that he wanted to speak to him. Mr Pedley then took him into the science storage room. Mr Pedley shut the door behind him and then picked up Pupil E and put him on top of a bench. Mr Pedley then undid the zip on Pupil E's trousers and Pupil E's trousers fell down. He said that Mr Pedley then asked him to masturbate himself to get stiff. Pupil E said that he started to masturbate himself and then Mr Pedley started to do it to Pupil E. Pupil E said that he saw Mr Pedley pick up a bottle and put some liquid from the bottle on Pupil E's penis until it was wet.

Pupil E did not know what the liquid was, but it made him sore. Pupil E said that he could not remember exactly what happened.

The fourth incident was alleged to have occurred when Pupil E was having a bath. He said that he was not expecting anything to happen when Mr Pedley pushed Pupil E's head under water. Pupil E said that he felt that he was choking and his legs were thrashing around. He said that when he was under water, he could definitely see that it was Mr Pedley who had pushed his head under the water.

Mr Pedley denied all of the allegations in relation to Pupil E and said that none of them had happened.

The panel recognised that Pupil E's evidence was hearsay evidence. The panel felt that it might have been possible to attach some weight to this hearsay evidence given that Pupil E had given evidence on oath on two occasions in the Crown Court and that evidence had been tested by cross examination. However, the panel identified a number of areas in which it needed to clarify Pupil E's evidence. In the absence of Pupil E, the panel was unable to seek that clarification. In these circumstances, the panel was not able to attach sufficient weight to Pupil E's evidence to be able to find the allegations proved.

Accordingly, the panel found allegations 6a to 6g not proved.

7. Engaged in inappropriate physical contact towards Pupil A after she had left Needwood School, including by attending at Pupil A's home and kissing and cuddling her.

Pupil A said that, when she was approximately [REDACTED], a letter from Mr Pedley was delivered to her [REDACTED] home. Pupil A explained that she was not living at her [REDACTED] home at that time, but she visited them two or three times every week. The journey to her place of work involved passing their house. She said that her [REDACTED] gave her the letter on one of her visits. The letter was contained in a grey A5 envelope and was written by hand. Pupil A did not think it had been sent in the post and she thought that it must have been delivered to the house by Mr Pedley. In the letter, Mr Pedley said that he was working at Holyhead Road School, which was a school for the partial hearing at the end of the same road as her [REDACTED] home. Pupil A said that the letter was brief, but it did say that Mr Pedley would like to see her and that he would be back on either the Thursday or the Friday. In her oral evidence, Pupil A clarified that she was now unable to recall which of these days was referred to in the letter, but that the letter had specified a particular day that Mr Pedley would return. In her initial statement to the police, Pupil A had said that he would come at lunchtime. Pupil A said that she had been shocked to receive the letter from Mr Pedley, but she was going through a [REDACTED]. She had not had the benefit of any [REDACTED]. She felt that she wanted to speak to Mr Pedley.

On the day in question, Pupil A said that she went to work and decided to tell her boss that she needed to go to the dentist so that she was able to leave work. She then left work and arrived at her [REDACTED] house by lunchtime. Mr Pedley then arrived. Pupil A said that they were talking at first and then they were hugging and kissing. Pupil A said that Mr Pedley had kissed her on the cheek and then on her lips. Pupil A said that she had been very upset when they were talking and that she had felt comforted by Mr Pedley when they had hugged and kissed. Pupil A said that she did not feel that there was any sexual element involved. Pupil A said that they saw her [REDACTED] pass the window and they then stopped hugging. Her [REDACTED] came into the house and asked who Mr Pedley was. Pupil A explained that Mr Pedley was her old schoolteacher who was now working at the school down the road. Mr Pedley then left. The panel was informed that Pupil A's [REDACTED] before the police investigation commenced and so was not available to give evidence about the alleged visit to her home by Mr Pedley.

Mr Pedley denied this allegation and said that he had never visited Pupil A nor worked at the school concerned. In support of this assertion, Mr Pedley provided a record of his employment from Teachers' Pensions. The panel noted that this confirmed that his employer between 1 September 1981 and 31 August 1988 was Staffordshire County Council. However, Mr Pedley gave evidence that, in September 1983 whilst he was still employed at the School (and when his employer would have been Staffordshire County Council), he began a secondment to study a course on hearing impairment at the [REDACTED]. Mr Pedley initially said in his evidence that he had not had any placements at any school during this period of study, but then changed this to say that he had attended a placement at a school in Stoke on Trent. He subsequently changed his evidence again to say that that he had attended placements at hearing impaired schools in Birmingham as part of a group study, but denied that any of these schools was the school close to the home of Pupil A.

The panel noted that, in her initial statement to the police made on 1 June 2015, Pupil A said that her understanding at the time of Mr Pedley's visit was that Mr Pedley was working at the local deaf school on a short placement of between two to six weeks. The panel concluded that it was more likely than not that Mr Pedley was the source of Pupil A's knowledge that Mr Pedley was undertaking a placement at that time and that he had told her this when he had visited her.

The panel preferred the evidence of Pupil A to that of Mr Pedley and was satisfied, on the balance of probabilities, that Mr Pedley had visited Pupil A as alleged by her. However, in order to find allegation 7 proved, the panel needed to be satisfied that Mr Pedley had engaged in inappropriate physical contact with Pupil A. Pupil A was clear in her oral evidence that Mr Pedley had hugged and kissed her when she became very emotional. She regarded this contact as comforting and not of a sexual nature. Based on Pupil A's evidence, the panel was not satisfied that the physical contact on that occasion was inappropriate.

The panel, therefore, found allegation 7 not proved.

8. Your conduct as may be found proved in allegations 1 – 7 above was of a sexual nature and/or sexually motivated.

The panel considered whether the conduct found proved amounted to conduct in pursuit of sexual gratification and/or in pursuit of a future sexual relationship.

As regards the conduct relating to Pupil A in allegations 1a and 1b, the panel was satisfied that Mr Pedley's conduct was for the purpose of his immediate sexual gratification.

As regards the conduct relating to Pupil C, the panel considered the conduct in allegations 3 and 4a together. The panel was satisfied that Mr Pedley's conduct, in engaging in sexual activity with Pupil C when she was unconscious, was for Mr Pedley's sexual gratification. The panel noted that the evidence of Pupil C that Mr Pedley had chosen her to breathe the chemical and that she had laid on a gym mat on the floor of the science preparation room when she was taken there. The panel considered that these were preparatory acts on the part of Mr Pedley. The panel was satisfied that it was more likely than not that Mr Pedley's actions in causing Pupil C to lose consciousness were to facilitate the subsequent sexual activity in the science preparation room. Therefore, the conduct in allegations 3 and 4a was sexually motivated.

In relation to the conduct found proved involving Pupil C in the swimming pool, the panel found that Mr Pedley's actions in grabbing Pupil C by the waist and breast were part of a course of conduct and should be considered together. The panel was satisfied that Mr Pedley's actions, culminating in grabbing Pupil C's breast, were for the purpose of his sexual gratification.

The panel, therefore, found allegation 8 proved on the basis that Mr Pedley's conduct in allegations 1a, 1b, 3, 4a, 4b and 4c was sexually motivated.

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

Having found allegations 1a, 1b, 3, 4a, 4b, 4c and 8 proved, the panel went on to consider whether the facts of those proven 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". However, the panel did not consider the Teachers' Standards documents as they were not in force at the time of the conduct found proved. Instead, the panel drew on its own knowledge and experience of the teaching profession in making a judgment as to the standards expected of teachers at that time.

The panel was satisfied that the conduct of Mr Pedley amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession at that time. His conduct involved sexual abuse of vulnerable children who were particularly vulnerable because of their hearing impairment and being educated away from home.

The panel also considered whether the teacher's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found that the offence of sexual activity was relevant.

Accordingly, the panel was satisfied that Mr Pedley was guilty of unacceptable professional conduct.

As regards conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession was viewed by others at the time of the conduct found proved 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 that they behave.

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

The panel, therefore, found that Mr Pedley's actions constituted 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 protection of pupils, the maintenance of public confidence in the profession, declaring

and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of sexual abuse of vulnerable pupils.

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

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

The panel gave consideration as to whether there was a public interest in retaining Mr Pedley in the profession. The panel noted that Mr Pedley had progressed to become a headteacher and an SEN consultant. Mr Pedley informed the panel that he had ceased practising as a teacher in October 2014 and had no intention of returning to the profession.

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

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 Pedley. 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 were relevant in this case were:

- 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);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- 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;
- violation of the rights of pupils;
- a deep-seated attitude that leads to harmful behaviour.

Even though the behaviours found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider any mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

Mr Pedley presented no mitigation to the panel. Mr Pedley's actions were deliberate. There was no evidence to suggest that he was acting under duress, and, in fact, the panel found that Mr Pedley's actions to be calculated and sexually motivated.

Mr Pedley has not been the subject of any previous disciplinary findings by the TRA or its predecessors. The panel heard that, after he left Needwood School, Mr Pedley worked at several other schools and was promoted to the positions of Deputy Headteacher and Headteacher. He later took up a consultancy, which involved him advising on special educational needs. Mr Pedley told the panel that he had not worked in that capacity since his criminal trials and that he did not intend to return to teaching. Although no references were submitted by Mr Pedley for the purpose of this hearing, the transcript of the first Crown Court trials referred to positive character references submitted on behalf of Mr Pedley. The trial judge read the following reference to the jury, which he said was from Individual E, who met Mr Pedley at [REDACTED]:

"He was my headteacher. I was and am still a senior residential social worker. Mike is one of the best headteachers I have ever worked with. Fair and even tempered. Operates an open door policy for staff, and would always be supportive of their concerns. At the time he lived on site. It is a residential unit. We would be there out of business hours. If there was ever an immediate issue with any young person that we knew, we would call upon him and he would assist us without question."

Another reference was read from Individual F who worked with Mr Pedley from [REDACTED]. Individual F said that Mr Pedley was *"approachable and friendly. He had an open-door policy for staff, pupils and parents during his time with the school. He looked at improving facilities for pupils and staff, with new facilities being built over the years he was at the school"*.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Pedley 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

Pedley. The behaviour found proved was extremely serious as it involved sexual abuse of more than one vulnerable pupil over a period of time. Mr Pedley denied the allegations against him and has shown no remorse or acknowledgment of the impact of his behaviour on the pupils concerned. He did not accept the panel's findings.

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 for it to decide to recommend a review period of the order. 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

The panel decided that the findings indicated a situation in which a review period would not be appropriate. Mr Pedley's conduct involved serious sexual abuse of children who were particularly vulnerable because of their hearing impairment and being educated away from home. As such, the panel 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 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations

not proven (including allegations 2, 5a, 5b, 6a, 6b, 6c, 6d, 6e, 6f, 6g and 7). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Michael Pedley should be the subject of a prohibition order, with no provision for a review period.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”. However, the panel did not consider the Teachers' Standards documents as they were not in force at the time of the conduct.

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

The findings of misconduct are particularly serious as they include findings of sexually motivated misconduct, the victims of which were particularly vulnerable children.

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 Pedley, 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 observe, “His conduct involved sexual abuse of vulnerable children who were particularly vulnerable because of their hearing impairment and being educated away from home.” 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 sets out as follows, “Mr Pedley presented no mitigation to the panel. Mr Pedley's actions were deliberate. There was no evidence to suggest that he was acting under duress, and, in fact, the panel found that Mr Pedley's actions to be calculated and sexually motivated.” I have noted that the panel records that Mr Pedley appears to have no intention of returning to teaching. Nevertheless, in my judgment, the lack of evidence of insight and remorse means that there is some risk of the repetition of this behaviour. 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 findings of misconduct are

serious, and the conduct displayed would be likely to 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 serious sexually motivated 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 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 and 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 Pedley himself. The panel note that, "Mr Pedley has not been the subject of any previous disciplinary findings by the TRA or its predecessors." The panel also record that Mr Pedley has worked extensively within the teaching profession over many years, including in leadership positions, and also refer to character witness statements submitted during the criminal proceedings against Mr Pedley which, among other things, attest to the support he gave his staff and his commitment to improving school facilities.

A prohibition order would prevent Mr Pedley 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 seriousness of the findings concerning sexually motivated conduct towards vulnerable children and the lack of evidence of insight and remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Pedley 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 that no provision should be made for a review period. In doing so, 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct and any sexual misconduct involving a child.

I have considered the panel's comments, "Mr Pedley's conduct involved serious sexual abuse of children who were particularly vulnerable because of their hearing impairment and being educated away from home. As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period."

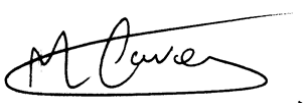
I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the finding of sexually motivated misconduct towards very vulnerable children and the lack of insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Michael Pedley 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 Pedley 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 Michael Pedley 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 'M Cavey', enclosed in a thin black rectangular border.

Decision maker: Marc Cavey

Date: 20 September 2023

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