



National College for
Teaching & Leadership

Mr John Peter Cattell: Professional Conduct Panel outcome

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

January 2014

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr John Peter Cattell
Teacher ref no:	94/80211
Teacher date of birth:	25 March 1954
NCTL Case ref no:	9949
Date of Determination:	8 January 2014
Former employer:	Haybridge High School and Sixth Form, Worcester

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 8 January 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr John Cattell.

The Panel members were Carolyn Robson (Teacher Panellist – in the Chair), Stan Szaroleta, (Lay Panellist), and Ruth Winterson (Teacher Panellist).

The Legal Adviser to the Panel was Luisa Gibbons of Eversheds Solicitors.

The Presenting Officer for the National College was Shannett Thompson of Kingsley Napley Solicitors. The Presenting Officer was not present as this was a meeting.

Mr Cattell was not present or represented.

The meeting took place in private. The decision as to facts and unacceptable professional conduct and/ or conduct that may bring the profession into disrepute was announced in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Meeting dated 17 December 2013.

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

Between January 2011 and May/June 2012, whilst employed as a teacher at Haybridge High School, Worcester, he formed an inappropriate sexual relationship with Pupil A who he had taught whilst he was previously employed at Denmark Road School, Gloucestershire between 1 September 2009 and 31 December 2010.

Mr Cattell admitted the facts of the allegation against him and that they amounted to unacceptable professional conduct and/ or conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Anonymised Pupil List	Pages 1 – 2
Section 2: Notice of Proceedings and Response	Pages 2 – 8b
Section 3: NCTL Witness Statements	Pages 9 – 24
Section 4: Statement of Agreed Facts/ representations	Pages 25 - 35
Section 5: NCTL Documents	Pages 36 -165
Section 6: Teacher Documents	Pages 166 - 175

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

Convened as a meeting, the Panel heard no oral evidence.

E. Decision and reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Summary of Evidence

A Statement of Agreed Facts has been signed by Mr Cattell on 16 August 2013 and by the Presenting Officer on 19 August 2013. The Statement of Agreed Facts confirmed that Mr Cattell admitted the facts of the allegation against him and that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. There are some differences between Mr Cattell's account and Pupil A's account of the details of the relationship.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against you proven, for these reasons:

1 Between January 2011 and May/June 2012, whilst employed as a teacher at Haybridge High School, Worcester, you formed an inappropriate sexual relationship with Pupil A who you had taught when you were previously employed at Denmark Road School, Gloucestershire between 1 September 2009 and 31 December 2010.

The Statement of Agreed Facts confirms that Mr Cattell admits the facts of this allegation against him.

The Panel turned its own independent minds to whether it found the facts of this allegation proven. The Panel considered that Mr Cattell maintained a continuing professional relationship of trust with Pupil A beyond his departure from Denmark Road School in that:

- 1) he left his email address at his new school with pupils at Denmark Road School allowing them to keep in touch with him following his departure;
- 2) when Pupil A established contact, he initially discussed her University applications and grading of her coursework with her; and
- 3) he signed emails as Head of Drama and sent them from his school email address.

There is no dispute that he embarked on a sexual relationship with Pupil A. The Panel considered that to be inappropriate given that it developed out of the professional relationship of trust maintained by Mr Cattell.

The allegation is therefore found proved.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

In the Statement of Agreed Facts, Mr Cattell admitted that the facts of the allegation amount to unacceptable professional conduct and/ or conduct that may bring the profession into disrepute.

The Panel is satisfied that the conduct of Mr Cattell in relation to the facts that it has found proved, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Mr Cattell is in breach of the following standards:

- upholding public trust in the profession and maintaining 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The Panel has also had regard to the Code of Conduct and Practice for Registered Teachers in place during at least part of the relationship and considered Mr Cattell to have breached the requirement to "establish and maintain appropriate professional boundaries in their relationships with children and young people".

The Panel is satisfied that the conduct of Mr Cattell fell significantly short of the standards expected of the profession.

The Panel notes that the conduct admitted exposed a pupil to behaviour which potentially could have been harmful. Accordingly, the Panel is satisfied that Mr Cattell is guilty of unacceptable professional conduct.

The Panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The Panel finds that Mr Cattell's actions constitute conduct that may bring the profession into disrepute. The findings of misconduct are serious, and are directly related to his suitability to be a teacher.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of unacceptable unprofessional conduct/conduct that may bring the profession into disrepute, it is necessary for the Panel to go on to consider whether it would be appropriate to recommend the imposition of a Prohibition Order by the Secretary of State.

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

The Panel has considered the particular public interest considerations set out in the Teacher Misconduct – Prohibition of Teachers Advice and having done so has found a number of them to be relevant in this case, namely

- the protection of children
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

In light of the Panel's findings against Mr Cattell, there is a strong public consideration in respect of the protection of children.

The Panel has found that Mr Cattell's conduct falls significantly short of the standards expected of the profession.

The Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cattell is not treated with the utmost seriousness when regulating the conduct of the profession.

Proportionality

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 Cattell. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence that was presented to it by Mr Cattell who has maintained that sexual contact did not take place until Pupil A reached the age of 18 (although this is disputed by Pupil A) and he has given an account that his training had led him to believe that in a hypothetical scenario of a teacher and pupil engaging in a loving and sexual relationship once the student had attained the age of 18, there was no safeguarding issue. Mr Cattell has described having had a caring, loving relationship with Pupil A. Mr Cattell has also explained that the relationship developed with Pupil A in circumstances in which his marriage was in difficulty and he was facing financial difficulties. The Panel has seen

evidence that he has been described as an outstanding teacher and that he had achieved success in improving the outcomes of the Drama Department of Haybridge High School and Sixth Form.

The Guidance

In carrying out the balancing exercise the Panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Cattell. The Panel took further account of the Teacher Misconduct – Prohibition of Teachers Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. From the list of such behaviours, the Panel has found the following to be relevant:

- serious departure from the personal and professional conduct elements of the latest teachers' standards
- abuse of position/trust (particularly involving vulnerable pupils) or violation of the rights of pupils

Mitigation

Even though there were behaviours that would point to a Prohibition Order being appropriate, the Panel went on to consider whether or not there were sufficient mitigating factors to militate against a Prohibition Order being an appropriate and proportionate measure to impose. The Panel finds that Mr Cattell's actions were deliberate, that he was not acting under duress, but that he had a previously good history. The Panel did not consider that Mr Cattell's personal difficulties excused him embarking on a sexual relationship with a pupil with whom he had maintained a professional relationship. The Panel also considered it to be irrelevant as to whether Pupil A had attained the age of 18 or not; Mr Cattell exercised poor judgement in failing to recognise that it was the position of trust that he held in relation to Pupil A that made having a relationship with her inappropriate. Mr Cattell had opportunities to reflect upon the relationship and yet it continued for a period until ended by Pupil A. Neither did he seek any guidance as to whether such a relationship would be appropriate.

The Panel is of the view that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Cattell. Accordingly, the Panel makes a recommendation to the Secretary of State that a Prohibition Order should be imposed with immediate effect.

Review

The Panel went on to consider whether it would be appropriate for them to recommend that the order be reviewed after a period of time. The Panel were mindful that the Teacher Misconduct – Prohibition of Teachers Advice advises that a Prohibition Order applies for life, but there may be circumstances in any given case that may make it

appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Teacher Misconduct – Prohibition of Teachers Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes serious sexual misconduct. Whilst the Panel considers the relationship to have been inappropriate, ill-judged and an abuse of trust the Panel is not satisfied, however, that the conduct on the specific facts in this case should be deemed to be serious sexual misconduct. Given that there was no evidence of a prior intention on the part of Mr Cattell to embark on a sexual relationship with Pupil A when he left Denmark Road School or in the initial emails between them, the Panel does not consider this to be a case of deliberate grooming. Mr Cattell has admitted that his actions have been unacceptable, he has shown remorse and has a previous good history. The Panel are therefore of the view that he should be permitted to demonstrate whether he is fit to teach after a period of two years.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the panel in this case.

Mr. Cattell has admitted the allegations through a statement of agreed facts and the panel has found the facts proven.

The Panel has determined that Mr Cattell has failed to establish and maintain appropriate professional boundaries in his relationships with children and young people. The Panel has noted that his conduct exposed a pupil to behaviour which potentially could have been harmful and accordingly, were satisfied that Mr Cattell was guilty of unacceptable professional conduct.

The Panel took into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The Panel has found Mr Cattell's actions to constitute conduct that may bring the profession into disrepute. The Panel has found that Mr Cattell's conduct falls significantly short of the standards expected of the profession and I agree with their recommendation that Mr Cattell should be prohibited.

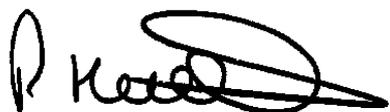
The panel have given proper consideration to the question of whether to allow an opportunity for Mr Cattell to apply to have the order set aside. Whilst the Panel consider the relationship to have been inappropriate, ill-judged and an abuse of trust they were not satisfied that the conduct on the specific facts in this case should be deemed to be serious sexual misconduct. Given that there was no evidence of a prior intention on the part of Mr Cattell to embark on a sexual relationship with Pupil A when he left Denmark Road School or in the initial emails between them, the Panel does not consider this to be

a case of deliberate grooming. Mr Cattell has admitted that his actions have been unacceptable, he has shown remorse and has a previous good history. In the circumstances I agree with their recommendation that Mr Cattell should be allowed to apply for the order to be set aside after a minimum period of 2 years.

This means that Mr John Peter Cattell 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 16 January 2016, 2 years from the date of this order at the earliest**. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr John Peter Cattell remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr John Peter Cattell has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, stylized flourish at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 9 January 2014

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