

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Graham Driscoll

Teacher ref no: 0503248

Teacher date of birth: 12th July 1985

NCTL Case ref no: 9521

Date of Determination: 17th May 2013

Former Employer: William de Ferrers School, Essex

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership convened on 17th May 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Graham Driscoll.

The Panel members were Mr Peter Cooper, Teacher Panellist – in the Chair, Ms Sharon Gimson, Lay Panellist and Mr Phillip Riggon, Teacher Panellist.

The Legal Adviser to the Panel was Mr Angus Macpherson of Counsel.

As this was a Professional Conduct Panel Meeting, there was no Presenting Officer for the National College for Teaching and Leadership present, nor was the teacher, Mr Graham Driscoll, present or represented and the meeting was held in private. It was not recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Meeting dated 23rd April 2013.

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

Whilst employed at William de Ferrers School, Essex, he

1. Behaved in an inappropriate manner towards female students between 2005 and 2012, including that he:
 - a. Failed to maintain appropriate professional boundaries with Student A between the academic year 2003 / 2004 and March 2006, including that he engaged in inappropriate communication with her by way of text and email;

- b. Failed to maintain appropriate professional boundaries with Student C during the 2011 academic year, including that he:
 - i. Exchanged text messages with her;
 - ii. Gave cigarettes to her;
 - iii. Made inappropriate comments to her, including comments of a sexual nature;
 - c. Failed to maintain appropriate professional boundaries with Student D between January 2012 and April 2012 in that he:
 - i. Exchanged text messages with her;
 - ii. Offered to buy her cigarettes and alcohol;
 - iii. Asked her to save his mobile phone number under a different name in case somebody looked at her phone;
 - iv. Made inappropriate comments to her.
2. Behaved in an inappropriate manner towards students during the 2011 / 2012 academic year:
- a. Despite having received a written warning after accepting that he attempted an inappropriate relationship with Student A in 2006;
 - b. Despite having received a letter in November 2011 from the Headteacher, which reminded him to maintain appropriate professional boundaries with pupils and instructed him not to communicate electronically with a pupil other than through the school's email system".

Mr Graham Driscoll admitted the facts of the allegation and that those facts amounted to unacceptable professional conduct and / or conduct which may bring the profession into disrepute.

C. Preliminary Applications

Proof of Service

As this was a meeting, there was no proof of service, but Mr Graham Driscoll completed an acknowledgment of the Notice of Referral on 30th November 2012.

D. Summary of Evidence

Documents

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

| Section 1 Anonymised Pupil List | Date | Page No. |
|--|--------------------------------|-----------------|
| Anonymised Pupil List | Undated | Page 2 |
| Chronology | Undated | Page 3 |
| Section 2 Notice of Referral and Response | | |
| Notice of Referral | 23 rd November 2012 | Pages 5-7 |
| Response to Notice of Referral | 30 th November 2012 | Page 8 |
| Notice of Meeting | 23 rd April 2013 | Page 8(a) – (c) |
| Section 3 Statement of Agreed Facts / Representations | | |
| Statement of Agreed Facts | 16 th April 2013 | Pages 10-14 |
| Representations of the Teacher | 28 th March 2013 | Page 15 |
| Representations of the Presenting Officer | 16 th April 2013 | Pages 16-18 |
| Section 4 NCTL Documents | | Pages 20 – 231 |
| Section 5 Teacher's Documents | | |
| Letter from Mr Driscoll | 24 th Sept. 2013 | Page 233 |

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

Brief summary of the evidence

Please note that this is intended to be a summary – it does not reflect the complete evidence.

Mr Driscoll was employed at William de Ferrers School, Essex from September 1997 to 14th May 2012.

The case concerned a number of allegations relating to his behaviour towards female students in his care between 2006 and 2012.

So far as Student A was concerned, she had required additional support when undergoing personal difficulties in Year 11. This resulted in Mr Driscoll exchanging texts and emails with her which continued in Year 12 and were of an inappropriate nature. When interviewed at the school by the Senior HR Consultant, Mr Driscoll admitted that he had behaved as alleged by Student A, and he signed an agreement with the Governing Body in which he accepted he had attempted to establish an inappropriate relationship with her including by way of inappropriate emails and texts.

In late 2011 he began behaving in a similar fashion with Student C and then again in January 2012 with Student D.

Despite receiving a written warning in 2006 and a Letter of Expectation from the Headteacher in November 2011 relating to these matters, Mr Driscoll engaged in

further inappropriate behaviour of a similar nature with Students C and D in early 2012.

E. Decision and Reasons

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against Mr Graham Driscoll proven, for these reasons:

Whilst employed at William de Ferrers School, Essex, he

1. Behaved in an inappropriate manner towards female students between 2005 and 2012, including that he:
 - a. Failed to maintain appropriate professional boundaries with Student A between the academic year 2003 / 2004 and March 2006, including that he engaged in inappropriate communication with her by way of text and email;
 - b. Failed to maintain appropriate professional boundaries with Student C during the 2011 academic year, including that he:
 - i. Exchanged text messages with her;
 - ii. Gave cigarettes to her;
 - iii. Made inappropriate comments to her, including comments of a sexual nature;
 - c. Failed to maintain appropriate professional boundaries with Student D between January 2012 and April 2012 in that he:
 - i. Exchanged text messages with her;
 - ii. Offered to buy her cigarettes and alcohol;
 - iii. Asked her to save his mobile phone number under a different name in case somebody looked at her phone;
 - iv. Made inappropriate comments to her.
2. Behaved in an inappropriate manner towards students during the 2011 / 2012 academic year:
 - a. Despite having received a written warning after accepting that he attempted an inappropriate relationship with Student A in 2006;
 - b. Despite having received a letter in November 2011 from the Headteacher, which reminded him to maintain appropriate professional boundaries with pupils and instructed him not to communicate electronically with a pupil other than through the school's email system".

Reasons: Mr Driscoll admitted the facts, which were set out in an agreed statement.

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

The Panel found that the facts, which it has found proved, amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. It concluded that this was misconduct of a serious nature falling significantly short of the standards expected of a teacher. It was directly relevant to his fitness to be a teacher. The behaviour of Mr Driscoll continued over a number of years with a number of different and vulnerable female students in his care. It continued notwithstanding warnings and admonitions issued by the school authorities. Mr Driscoll acknowledges that his behaviour amounts to unacceptable professional conduct. An aggravating feature of the case is that the female students were vulnerable for varying reasons. His behaviour was repeated towards similar students over the years.

Panel's Recommendation to the Secretary of State

The Panel has carefully considered whether it should recommend prohibition to the Secretary of State. It bears in mind that it must have regard, in the first place, to the public interest. That includes the protection of children and other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. In the view of the Panel, Mr Driscoll has failed the public interest on all three grounds and over a considerable period of time, despite warnings from the school authorities. Having regard to the list of matters which may indicate that his behaviour is incompatible with being a teacher, the Panel noted the following:

- Serious departure from the personal and professional conduct elements of the teacher standards;
- Misconduct seriously affecting the wellbeing or pupils especially where there is continuing risk;
- Evidence of a deep-seated attitude which leads to harmful behaviour;
- Abuse of position or trust especially involving vulnerable pupils.

The Panel recognises that it must apply the principle of proportionality to its decision making in this case and indeed have regard to Mr Driscoll's own interests. Mr Driscoll started teaching on the Graduate Teacher Programme in 2005 and qualified in 2005 / 2006. He achieved Qualified Teacher Status a year later. Before then he had been a technician at the school since 1997. The papers contain a good reference as to his performance as a technician at Boswells School which he left to join William de Ferrers School. The Panel observe that his behaviour the subject of the allegations had already started by the time he became a qualified teacher.

The Panel has had regard to Mr Driscoll's letter dated 24th September 2012. However that letter affords the Panel with no evidence of insight or contrition. Mr Driscoll observes that he has decided to move away from the profession.

The Panel has determined that this is a case where it should recommend to the Secretary of State a Prohibition Order. The behaviour of Mr Driscoll continued from year to year with a number of different female students and notwithstanding written warnings from the school authorities. The behaviour may be regarded as intransigent and systematic. The Panel consider that a Prohibition Order is appropriate.

The Panel has considered whether it should recommend to the Secretary of State that the Prohibition Order should be imposed with no provision for Mr Driscoll to apply for it to be set aside after any period of time. It notes that none of the bullet points in section 7 (Review of Prohibition Orders) in the Teacher misconduct – the prohibition of teachers publication are met in this case. However, in view of the Panel's findings, and the fact that Mr Driscoll has not demonstrated any insight into his misconduct or any commitment to regaining his professionalism, it does recommend that there should be no provision for Mr Driscoll to apply for the Prohibition Order to be set aside after any period of time.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case and to the recommendation made by the Panel in respect of both sanction and review.

This is a very serious case in that the teacher persisted with his unacceptable conduct over a significant period of time, despite warnings and with vulnerable pupils. Mr Driscoll does admit the facts and that the facts amount to unacceptable professional conduct.

In combination this was conduct that fell seriously short of that expected of a teacher.

Taking into account the public interest and recognising the need to be proportionate I support the recommendation of the Panel that Mr Driscoll should be prohibited.

I have also considered the matter of a review period. Mr Driscoll has shown no insight or remorse. The persistent and systematic nature of the misconduct and the fact these were vulnerable pupils makes this a very serious case. I agree with the recommendation of the Panel that there should be no review period.

This means that Mr Graham Driscoll 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 allegation found proved against him, I have decided that Mr Graham Driscoll 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 Graham Driscoll 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.

NAME OF DECISION MAKER: Alan Meyrick
Date: 17 May 2013