



National College for
Teaching & Leadership

Mr John Addrison: Professional Conduct Panel outcome

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

August 2014

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

Teacher:	Mr John Addrison
Teacher ref no:	81/61179
Teacher date of birth:	26 September 1959
NCTL Case ref no:	0010569
Date of Determination:	12 August 2014
Former employer:	Dismissed from Moor Park School in 1988

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 12 August 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr John Addrison.

The Panel members were Ms Alison Walsh (Teacher Panellist and Chair), Mr John Speller (Teacher Panellist) and Mr Martin Greenslade (Lay Panellist).

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

The Presenting Officer for the National College was Ms Louisa Atkin of Browne Jacobson Solicitors. Mr Addrison was not represented.

Convened as a meeting, neither the Presenting Officer nor Mr Addrison were present.

The meeting took place in private and was not recorded, save for the public announcement of the Panel’s findings of fact and finding on conviction, at any time, of relevant offences.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 1 August 2014

It was alleged that Mr John Addrison was guilty of having been convicted at Aylesbury Crown Court of the following relevant offences:

- i) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 3 years (concurrent).
- ii) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 4 years (concurrent).
- iii) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 3 years (concurrent).
- iv) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 18 months (concurrent).
- v) Gross indecency with a child (boy) under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 16 months (concurrent).
- vi) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 2 years (concurrent).
- vii) Indecent assault on Male under 16. He committed this offence between 01/01/78 and 31/07/79. He was sentenced to imprisonment for a period of 2 years (concurrent).
- viii) Indecent assault on Male under 16. He committed this offence between 08/09/86 and 31/07/88. He was sentenced to imprisonment for a period of 4 years (concurrent).
- ix) Indecent assault on Male under 16. He committed this offence between 08/09/86 and 31/07/88. He was sentenced to imprisonment for a period of 4 years (concurrent).
- x) Indecent assault on Male under 16. He committed this offence between 01/01/78 and 31/07/78. He was sentenced to imprisonment for a period of 5 years and a Sex Offenders Notice was imposed against him for life.
- xi) Indecent assault on Male under 16. He committed this offence between 01/01/78 and 31/07/79. He was sentenced to imprisonment for a period of 2 years (concurrent).
- xii) Gross indecency with a child (a boy) or young person under 16. He committed this offence between 01/01/78 and 31/07/79. He was sentenced to imprisonment for a period of 16 months (concurrent).
- xiii) Indecent assault on Male under 16. He committed this offence between 01/01/78 and 31/07/79. He was sentenced to imprisonment for a period of 2 years (concurrent).

In a Statement of Agreed Facts signed by Mr Addrison on 2 July 2014, he admitted the facts of the allegations and that they amount to convictions, at any time, of relevant offences.

C. Preliminary applications

Should the Panel proceed with a Meeting?

The Panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The Panel considered the interests of justice. The facts of the allegation have been admitted. This case relates to criminal convictions and this Panel must not re-examine the facts of the case behind the convictions. Mr Addrison has requested a meeting and the Panel has the benefit of Mr Addrison's representations. In view of these factors, the Panel was of the view that justice would be adequately served by considering this matter at a meeting. These matters have already been aired in a public arena and the Panel considered that the cost of convening a hearing would be disproportionate in this case.

The Panel carefully considered the public interest. The Panel noted that if the case proceeded in a meeting, there would be a public announcement of the Panel's decision. The Panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The Panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The Panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

Jurisdiction

The Panel considered as a preliminary point whether the Panel had jurisdiction to consider the case.

It is apparent that at the time of some of the offences for which Mr Addrison was convicted he was employed as a teacher at Moor Park School. The question is whether he is now subject to the jurisdiction of the Secretary of State as he was dismissed from Moor Park School in 1988; he states he has not taught since then and is currently in prison.

The issue for the Panel to determine was whether the phrase "is employed or engaged to carry on teaching work" within section 141A and regulation 2 encompasses the situation in this case.

The Panel was advised that the legal meaning of an enactment is the meaning that corresponds to the legislator's intention in passing the enactment. The Panel was advised to consider the words used in section 141A and regulation 2 in the context of the enactment as a whole, and the Panel's attention was specifically drawn to section 141D which applies where an employer has ceased to use the services of a teacher or the teacher has ceased to provide those services.

The Panel was advised to consider whether it was of the view that the legal meaning of the phrase "is employed or engaged to carry on teaching work" was plain and

unequivocal or ambiguous because there were alternative ways of interpreting the phrase.

The Panel was advised that if it considered the legal meaning of the phrase to be plain, then it would not need to interpret the phrase further.

However, if the Panel did consider the phrase to be ambiguous, then the Panel should consider what the intended legal meaning was, and that it should reach a balanced and common sense judgement. The Panel were directed to the following principles that it may wish to consider in determining this, including that the law should:

- serve the public interest;
- be just;
- be certain and predictable;
- be coherent and self-consistent

The Panel was also told that it should be presumed that Parliament will have intended:

- for the provision to be given its literal meaning on an ordinary and natural interpretation;
- the provision to meet the legislative purpose and remedy the issue it was directed towards;
- the provision not to be interpreted in a way that produces an absurd, unworkable or impractical result;
- the provision not to be interpreted in a way that produces unjustifiable inconvenience in terms of unnecessary technicalities, inconvenience to business, taxpayers or legal proceedings;
- the provision not to be interpreted in a way that produces an anomaly;
- the provision not to be interpreted in a way that produces a futile, pointless or artificial result, including pointless legal proceedings.

The Panel's attention was drawn to a Professional Conduct Panel's decision in a previous case. In that case, the matters were alleged to have occurred in 2008, at the time the relevant person was teaching. The Panel came to consider the case in 2013, and the individual had not been engaged in teaching work since July 2010. In that case, the Professional Conduct Panel determined that it did have jurisdiction on the basis that:

- Parliament could not have intended only those currently teaching to be within the legislative regime;
- Someone who was not currently engaged in teaching, does not preclude them from returning to a teaching role in the future;

- To apply the regime only to someone who was currently teaching would introduce uncertainty as an individual could dip in and out of the jurisdiction;
- Parliament must have intended the phrase “is employed or engaged” to include individuals who were teaching at the time of the alleged incident even if they no longer work in the profession.

The Panel were reminded that each case should turn on its own facts.

The Panel has reviewed the legislative provision. It does not accept that the legal meaning of the provision is plain. It noted the ambiguity as to the point of time at which the phrase “is employed or engaged relates”. The Panel has therefore sought to achieve a balanced view and reach a common sense judgement as to the legal meaning of the phrase. It recognises that the legal meaning is Parliament’s intention.

Whilst the Panel recognises that normally it would be expected that the legal meaning would be the literal interpretation of the provision, it considers that such a meaning would not meet the legislative purpose and would give rise to absurdities, impracticalities and irrationalities. If the provision could only apply to teachers currently employed or engaged at the time of the proceedings, it would permit those with serious allegations against them to seek to escape the potential consequences of their alleged actions by resigning.

Furthermore, the Panel has had in mind that the fact that someone is not currently engaged in teaching, does not preclude them from returning to a teaching role in the future and that not being able to explore an allegation that has been made against an individual who is not currently teaching, would not be in the public interest. The Panel does not consider that this would have been Parliament’s intention.

The Panel considers that Parliament would have intended the regime to operate in a manner that was both certain and practical. For this case to not be within the jurisdiction of the Secretary of State, would mean that there would have to be some definitive point at which someone would dip out of the jurisdiction, leading to uncertainties as to when that would be. The Panel notes that Mr Addrison has not contended that his case is not eligible to be considered. The Panel notes that at the time of some of the offences, Mr Addrison was a teacher. The Panel considers that on a common sense view, the regulatory regime applies to Mr Addrison even if he has not engaged in teaching work since 1988, since he could return to teaching at any time.

D. Summary of evidence

Documents

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

Section 1: Chronology

Pages 1 – 2

Section 2: Notice of Referral, Response and Notice of Meeting Pages 3 – 8c

Section 3: Statement of Agreed Facts and Presenting Officer Representations

Pages 9 – 14

Section 4: National College for Teaching and Leadership Documents

Pages 15 – 37

Section 5: Teacher Documents

Pages 39 - 93

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

The Panel noted that pages 54 to 55 appeared to have a page missing. This page was provided to the Panel. The Panel admitted the page, since it contained Mr Addrison's representations and the page was paginated as page 54a.

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 meeting.

Summary of Evidence

Mr Addrison was employed at Caldicott Preparatory School between January and July 1978. The Statement of Agreed Facts describe his position there as a trainee teacher, but another document in the Panel Bundle describes his position as an "assistant where his role was to assist and supervise students", and a further document describes his position as a "teaching assistant". Mr Addrison qualified as a teacher and was subsequently employed at Moor Park School until he was dismissed in 1988. Mr Addrison was convicted on 11 September 2012 of the offences set out in the Allegations, those offences having occurred whilst he was employed at Caldicott Preparatory School and at Moor Park School.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Addrison proven, for these reasons:

i) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 3 years (concurrent).

ii) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 4 years (concurrent).

iii) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 3 years (concurrent).

iv) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 18 months (concurrent).

vi) Indecent assault on Male under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 2 years (concurrent).

vii) Indecent assault on Male under 16. He committed this offence between 01/01/78 and 31/07/79. He was sentenced to imprisonment for a period of 2 years (concurrent).

viii) Indecent assault on Male under 16. He committed this offence between 08/09/86 and 31/07/88. He was sentenced to imprisonment for a period of 4 years (concurrent).

ix) Indecent assault on Male under 16. He committed this offence between 08/09/86 and 31/07/88. He was sentenced to imprisonment for a period of 4 years (concurrent).

x) Indecent assault on Male under 16. He committed this offence between 01/01/78 and 31/07/78. He was sentenced to imprisonment for a period of 5 years and a Sex Offenders Notice was imposed against him for life.

xi) Indecent assault on Male under 16. He committed this offence between 01/01/78 and 31/07/79. He was sentenced to imprisonment for a period of 2 years (concurrent).

xiii) Indecent assault on Male under 16. He committed this offence between 01/01/78 and 31/07/79. He was sentenced to imprisonment for a period of 2 years (concurrent).

The Panel Bundle contains a certificate of conviction confirming that Mr Addrison was convicted in the Crown Court at Aylesbury on 11 September 2012 of four counts of “indecent assault on male”. There is a another certification of conviction confirming that Mr Addrison was convicted in the Crown Court at Aylesbury on 12 September 2012 of a further 9 counts of “indecent assault on male”.

A PNC Data Report records Mr Addrison of having been convicted of two offences of gross indecency with a child (boy) contrary to the Indecency with Children Act 1960. The details of those offences correspond with allegations v and xii. That Report also records Mr Addrison of having been convicted of 11 offences of Indecent Assault on Male under 16 contrary to the Sexual Offences Act 1956. The details of those offences correspond with allegations i, ii, iii, iv, vi, vii, viii, ix, x, xi, and xiii.

The Panel Bundle also contains a print of a PNC record. The details of the offences and the sentences imposed correspond with each of the Allegations. The Sentencing Remarks confirm that the sentences were to run concurrently.

Mr Addrison has admitted in a Statement of Agreed Facts that he has been convicted of the offences set out in the Allegations.

Although the allegations match the PNC record, they are slightly at odds with the Certificates of Conviction which records 13 offences of indecent assault, whereas the allegations refer to 11 offences of indecent assault and 2 offences of gross indecency. Since the Panel regard the Certificate of Conviction as the definitive statement as the matters for which Mr Addrison has been convicted, the Panel finds allegations i, ii, iii, iv, vi, vii viii, ix, x, xi and xiii proven, but has been unable to find the two allegations of convictions of gross indecency as alleged at v and xii proven.

The Panel gave consideration to whether it would be necessary for a hearing to be convened in order to clarify the position in respect of the two allegations of gross indecency with a child. However, the Panel considered on balance that given the nature of the other offences found proven, that evidence substantiating the gross indecency convictions was extremely unlikely to affect the Panel’s findings on conviction of relevant offences and prohibition in due course. The Panel therefore decided it would be disproportionate to require a hearing to be convened in order to resolve this issue.

The Panel did not re-examine the facts of the case, accepting the convictions found proven as conclusive proof that establishes the relevant facts.

The Panel has found the following allegations not proven:

v) Gross indecency with a child (boy) under 16. He committed this offence between 05/12/85 and 31/07/88. He was sentenced to imprisonment for a period of 16 months (concurrent).

xii) Gross indecency with a child (a boy) or young person under 16. He committed this offence between 01/01/78 and 31/07/79. He was sentenced to imprisonment for a period of 16 months (concurrent).

Both of these allegations were found not proven for the reasons stated above.

Findings as to conviction of Relevant Offences

In considering the allegations that the Panel has found proven, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘Guidance’.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
 - showing tolerance of and respect for the rights of others;
 - not undermining fundamental British values, the rule of law, individual liberty and mutual respect;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The Panel noted that Mr Addrison’s actions were relevant to teaching, working with children and or working in an education setting since each of the offences was committed in the school environment and pupils were the victims of those offences.

The Panel noted that the behaviour involved in committing the offence had an impact on at least some of the victims, having read extracts from victim impact statements set out in the Sentencing Remarks.

The Panel has also taken account of how the teaching profession is viewed by others. The Panel considered that Mr Addrison's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The Panel has noted that Mr Addrison's behaviour has ultimately led to him receiving a sentence of imprisonment which is indicative of the seriousness of the offences committed.

This is a case involving an offence involving sexual activity which the Guidance states is likely to be considered a relevant offence.

The Panel has taken into account a report of a Consultant Psychologist which sets out the background to Mr Addrison committing the offences and which concluded that Mr Addrison was not a risk to the public. The Panel also noted that Mr Addrison has undergone life training to address his problems over a period of 2 – 3 years and that he had appropriate intervention consisting of 50 therapy sessions. The Panel also noted that he has complied with an undertaking given to Moor Park School not to return to teaching. Although the Panel finds this evidence to be of note, the Panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach.

The Panel considers that a finding that these convictions are relevant offences is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of conviction of relevant offences, 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 an appropriate and 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 Guidance and having done so has found all of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In light of the Panel's findings against Mr Addrison, there is a strong public interest consideration in respect of the protection of pupils given the serious convictions of

indecent assault of children. Although the Panel has taken into account a report of a Consultant Psychologist which sets out the background to Mr Addrison committing the offences and which concluded that Mr Addrison was not a risk to the public, the Panel considered the offences to be of such gravity and to be so linked to his behaviour towards pupils that the Panel considered that pupils would continue to require protection.

Similarly, the Panel considers that public confidence in the profession could be seriously weakened if the offences for which Mr Addrison has been convicted were not treated with the utmost seriousness when regulating the conduct of the profession.

The Panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Addrison was so contrary to the conduct expected of a teacher.

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 Addrison.

The Panel balanced the public interest considerations both in favour of and against prohibition as well as the interests of Mr Addrison, the Panel took further account of the Guidance, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant are:

- serious departure from the personal and professional conduct elements of the teachers' standards;
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk;
- actions or behaviours that undermine fundamental British values, law, or demonstrate deliberate intolerance and/or lack of respect of the rights of others;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position of trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- other deliberate behaviour that undermines pupils, the profession, or the school;
- 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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, particularly taking into account the nature and severity of the behaviour in this case. The convictions relate to indecent assaults on a number of pupils at the two schools in which he worked and he cannot therefore be said to have had a good history. This was a deliberate pattern of behaviour and there is no evidence that Mr Addrison was acting under duress.

The Panel also noted that Mr Addrison has undergone life training to address his problems over a period of 2 – 3 years and that he had appropriate intervention consisting of 50 therapy sessions. The Panel also noted that he has complied with an undertaking given to Moor Park School not to return to teaching. The Panel were also pleased that Mr Addrison had pleaded guilty in the criminal court, and that the pupils did not have to experience the trauma of giving evidence. The Panel also noted that there is no evidence of Mr Addrison having repeated any of the offences after 1988.

However, the Panel has decided that the seriousness of the offences for which Mr Addrison has been convicted is such that on balance, the Panel is of the view that Prohibition is both proportionate and appropriate. Accordingly, the Panel makes 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 them to decide to recommend that a review period of the order should be considered. The Panel were mindful that the Guidance 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 Guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. 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. The Panel has found that Mr Addrison has been responsible for such sexual offences. Although Mr Addrison has stated that he has reformed his character since these events, the Panel did not consider that the commission of such offences could be compatible with a return to teaching. The Panel therefore felt the findings indicated a situation in which a review period would not be appropriate and as such 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.

This case is a very serious one involving a number of convictions that the panel has found to be relevant. These are very serious convictions and have resulted in custodial sentences. In addition they are for sexual misconduct and indecent assault on a male under 16.

I have taken into account the public interest as well as the interests of Mr Addrison. I have also taken into account the need to be proportionate.

In my view these are very serious offences and I support the recommendation of the panel that Mr Addrison be prohibited.

I have given careful consideration to the matter of a review period. The advice published is very clear on this matter and these convictions clearly fall into those where a review period is unlikely. I have considered this and support the recommendation of the panel that there be no review period.

This means that Mr John Addrison 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 John Addrison 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 John Addrison 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: 13 August 2014

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