



National College for
Teaching & Leadership

Christopher Mallinson: Professional Conduct Panel outcome

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

August 2014

Contents

A. Introduction	3
B. Allegations	4
C. Summary of evidence	5
Documents	5
D. Decision and reasons	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	10

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

Teacher:	Mr Christopher Mallinson
Teacher ref no:	9458703
Teacher date of birth:	27 June 1957
NCTL Case ref no:	0011124
Date of Determination:	18 August 2014
Former employer:	Derbyshire County Council

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened in a Private Meeting on Monday 18 August 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Christopher Mallinson.

The Panel members were Mrs Fiona Tankard (Teacher Panellist – in the Chair), Mr Colin Parker (Teacher Panellist) and Ms Nicole Jackson (Lay Panellist).

The Legal Adviser to the Panel was Mr Paddy Roche of Blake Morgan LLP Solicitors.

The Meeting took place in private and the announced decision was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 5 August 2014.

It was alleged that Mr Mallinson was guilty of Unacceptable Professional Conduct, in that whilst employed at the William Allitt School, between 1995 to 2013 he displayed a pattern of inappropriate behaviour and failing to adhere to professional boundaries with pupils, despite previous warnings from his employer, in that he:-

1. Engaged in an inappropriate relationship with Year 10 Student A in that he;
 - a. Gave her a lift home in his car unaccompanied on one occasion;
 - b. Kissed her on the forehead on one occasion;
 - c. Sat on the floor of the Drama Studio with his legs over hers on 28 November 2012;
 - d. Hugged her in the Studio Area on 28 November 2013;
 - e. Sat on the floor of the Drama Studio hugging her on 11 January 2013;
 - f. Requested that he remove her from her PE lesson on 23 November 2012 so that he could keep a "special eye" on her;
 - g. Told the Head Teacher on 14 January 2013 that "she (Student A) loves me to bits and I love her to bits";
 - h. Asked her to attend play rehearsals alone with him during the School Christmas holidays in 2012 which led Student A's mother to feel uncomfortable about this arrangement and, therefore, chaperone the rehearsal;
2. He made inappropriate physical contact with Year 11 Student B in that he allowed her to ruffle his hair on 14 November 2012;
3. Acted inappropriately towards a Year 10 Student, C in November 2009 when, during a lesson regarding conflict and rape, he left the classroom and returned with a pair of scissors, held her hair, put the scissors close to her neck and spoke in her ear;
4. Hugged students during 2005/6 which resulted in a written advice from the Head Teacher in January 2006 not to hug students in the future and not to put himself in a position where he would be vulnerable to accusations and innuendo.

C. Summary of evidence

Documents

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

Section 1	Chronology, Anonymised Pupil List and List of Key People.	Pages 2-5.
Section 2	Notice of Referral, Response and Notice of Meeting.	Pages 7-12c.
Section 3	Statement of Agreed Facts and Presenting Officer Representations.	Pages 14-18.
Section 4	NCTL Documents.	Pages 20-217.
Section 5	Teacher Documents.	Pages 219-227.

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

D. 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.

This case concerns an allegation of Unacceptable Professional Conduct which is reflected in the Statement of Agreed Facts at Pages 14-16 of the case papers. That document indicates that Mr Mallinson born on 27 June 1957 began teaching at William Allitt School from 1 September 1995 in the capacity as a Teacher. At the time of the referral to the NCTL, Mr Mallinson was the Assistant Head Teacher and Head of Performing Arts.

Prior to 2013 Mr Mallinson had been informed of concerns regarding his inappropriate conduct towards students. This did not amount (sic) to further investigations but culminated in a warning.

From 2012, concerns were raised internally regarding Mr Mallinson and Pupil A's relationship. The Head Teacher gave some guidance in the form of a letter dated 15

October indicating to Mr Mallinson that he should not put himself in a vulnerable position in relation to Pupil A.

The inappropriate relationship with Pupil A did not cease. Pupil A revealed when questioned that she turned to Mr Mallinson for emotional support in times of hardship.

The Head Teacher spoke to Mr Mallinson on Monday 14 January 2013 in relation to his conduct. Pupil A's welfare was discussed in relation to referral to the School Counsellor. Mr Mallinson did not agree with this suggestion and revealed his personal feelings towards Pupil A stating "she (Student A) loves me to bits and I love her to bits".

As a result of Mr Mallinson's conduct, an investigation took place which culminated in Mr Mallinson's dismissal from his role in September 2013.

Mr Mallinson admits the facts of the allegation against him as set out above and that they amount to Unacceptable Professional Conduct. This constitutes misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a Teacher and is behaviour which is directly related to an individual's suitability to be a Teacher.

Findings of Fact

Our findings of fact are as follows:-

We have found the following particulars of the allegations against Mr Mallinson proved, for these reasons:-

It is alleged that Mr Mallinson is guilty of Unacceptable Professional Conduct, in that whilst employed at the William Allitt School, between 1995 to 2013 he displayed a pattern of inappropriate behaviour and failing to adhere to professional boundaries with pupils, despite previous warnings from his employer, in that he:-

- 1. Engaged in an inappropriate relationship with Year 10 Student A in that he;**
 - a. Gave her a lift home in his car unaccompanied on one occasion;**
 - b. Kissed her on the forehead on one occasion;**
 - c. Sat on the floor of the Drama Studio with his legs over hers on 28 November 2012;**
 - d. Hugged her in the Studio Area on 28 November 2013;**
 - e. Sat on the floor of the Drama Studio hugging her on 11 January 2013;**
 - f. Requested that he remove her from her PE lesson on 23 November 2012 so that he could keep a "special eye" on her;**

- g. Told the Head Teacher on 14 January 2013 that “she (Student A) loves me to bits and I love her to bits”;**
 - h. Asked her to attend play rehearsals alone with him during the School Christmas holidays in 2012 which led Student A’s mother to feel uncomfortable about this arrangement and, therefore, chaperone the rehearsal;**
- 2. He made inappropriate physical contact with Year 11 Student B in that he allowed her to ruffle his hair on 14 November 2012;**
- 3. Acted inappropriately towards a Year 10 Student, C, in November 2009 when, during a lesson regarding conflict and rape, he left the classroom and returned with a pair of scissors, held her hair, put the scissors close to her neck and spoke in her ear;**
- 4. Hugged students during 2005/6 which resulted in written advice from the Head Teacher in January 2006 not to hug students in the future and not to put himself in a position where he would be vulnerable to accusations and innuendo.**

Our reasons are that we have relied upon the Statement of Agreed Facts at pp 14-16 of the case papers, which has been signed by Mr Mallinson, who has been advised throughout by his Union representative. We have also looked for independent corroboration of the particulars in the case papers and have broadly found that there is other evidence in the case papers which supports and substantiates the admitted particulars. The exception is in relation to Particular 2 where we could find no independent evidence. Since we cannot determine how this incident occurred or what happened it will not contribute to any finding of Unacceptable Professional Conduct that we may make in this case.

Findings as to unacceptable professional conduct

We have considered the collective impact of Mr Mallinson’s admitted behaviour towards pupils. In doing so we have applied the definition of Unacceptable Professional Conduct which is “misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher”.

We adopt the summary of the cumulative effect of these allegations which is set out in the Management Statement of Case at p 91 of the case papers. It says this:-

“From each witness statement it is apparent that Mr Mallinson acts in an overtly, physical way with young people, kissing, hugging, touching or allowing a distinct blurring of professional boundaries. There is also evidence from witnesses that he fails to follow

clear procedures for dealing with pupils e.g. referral to specialist counselling staff, attempting to remove pupils from colleagues' classes to "keep a special eye on", leaving his own class to find a pupil whom he felt was unwell, organising rehearsals in Christmas holidays without referring to senior managers as to the appropriateness of the situation. As an experienced Senior Leader he will know the protocols that operate within a school and he singularly failed to follow them, preferring to act in a unilateral manner in a way that undermines the professional conduct of staff at the school."

It goes on to say that the evidence indicates, "an over familiarity and intimacy that is at odds with the Teachers' Standards or the professional conduct expected of staff".

Finally it alleges that "Mr Mallinson has consistently placed himself or allowed himself to be placed in an unprofessional position with pupils".

We judge that to be an accurate and succinct summary of Mr Mallinson's conduct towards pupils. We note also that he had been warned and advised on more than one occasion about the inappropriateness of aspects of his relationship with pupils and the dangers inherent in any physical contact with them – however innocently intended.

Even making some allowance for the special demands of his subject as Head of Performing Arts, we consider that the course of conduct described by this allegation and particulars constitutes Unacceptable Professional Conduct. There is evidence in the case papers that several students who made witness statements became concerned about elements of Mr Mallinson's contact with pupils that they personally observed and that those pupils recognised that the way he conducted himself was not appropriate. Regrettably, Mr Mallinson himself seems not to have shared their appreciation of what he was seen to be doing. The fact that he was a very experienced and senior teacher at the school who held the position of Assistant Head Teacher makes that lack of appreciation all the more difficult to understand.

Panel's recommendation to the Secretary of State

Prohibition Orders are made in the public interest. The Public Interest includes:

- the protection of pupils and other members of the public
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

The maintenance of appropriate professional boundaries with pupils is a fundamental obligation imposed on teachers by the Teachers' Standards and impacts on all the elements of our public duty identified above. Mr Mallinson appears not to recognise that his practice and relationships with some of his pupils were wholly inappropriate involving, as they did, physical contact with them. It is clear that, with the exception of the "kissing" particular (1b), he cannot see that the way he was accustomed to behaving within school

was unacceptable. We do find this very difficult to understand, especially as Mr Mallinson has received clear advice on more than one occasion since as long ago as 2005/6.

We accept that there is no evidence at all of any abuse as such occurring – as student A's mother states in her letter to the School's Headteacher at p 208/9. Rather, as she observes, "the problem lies with Mr Mallinson's inability to keep an appropriate professional distance".

The evidence we have read and Mr Mallinson's attitude to the case drive us irresistibly to conclude that Mr Mallinson is currently not fit to be in the classroom and involved with pupils. He must therefore be prohibited.

As indicated above, our principal concern is Mr Mallinson's total failure to respond positively to previous warnings from the school. It appears that he has not modified his attitude or his behaviour in any way. In the case papers Mr Mallinson is quoted as saying in a meeting with the Headteacher, as part of the school's investigation, that he was aware of the Teachers' Standards but thought that "maybe he was a dinosaur". (p121)

We have also given careful consideration to the school's assessment that while Mr Mallinson has never denied the allegations he, "has attempted to put them into a context which would 'normalise' his conduct. At no time has Mr Mallinson ever been reflective or critical of his own practice as the investigation has unfolded. There has just been a dismissal of the severity of the allegations, a declaration of 'that is how I am' or an attempt to justify that the teaching of drama is in some way outside the established protocols of safeguarding and appropriate professional behaviour. Mr Mallinson has never given any indication that his conduct or behaviour would change as a result of these allegations being brought against him". (p 90)

That summary accords absolutely with our reading of the case papers and our very real anxiety that Mr Mallinson gives no indication in the papers, which he has lodged, that he exhibits any intention or enthusiasm to amend his teaching practices, were he allowed to return to the classroom. Equally we remain unconvinced that he exhibits any appreciation at all that his conduct has been unacceptable.

Having made that perception of Mr Mallinson clear, we appreciate that this case is put on a limited basis, in that there is no allegation that Mr Mallinson's behaviour was sexually motivated or that any pupils have suffered identifiable harm as a consequence of what he did. We also recognise that he was regarded by his Headteacher as a valued member of staff. We have also noted that he received, on his account, outstanding assessments from Ofsted.

Taking those matters into account and in the interests of the Prohibition Order being proportionate, we recommend that Mr Mallinson should be allowed to make a review application, if he so wishes, once two years have elapsed from the making of the

Prohibition Order. We anticipate that Mr Mallinson would wish to demonstrate to any review panel considering his “set aside” application that our concerns about his current attitude to the facts of this case have been, by then, satisfactorily resolved.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case.

Mr Mallinson has admitted all the facts and that those facts in aggregate amount to unacceptable professional conduct. The panel have found the facts proven and have judged those facts as amounting to unacceptable professional conduct.

Mr Mallinson has acted in an overtly physical way with pupils on a number of occasions, allowing a distinct blurring of professional boundaries. This is despite him being warned and advised about his behaviour on more than one occasion. Mr Mallinson has shown little appreciation of the inappropriate nature of his behaviour.

In determining whether a prohibition order is an appropriate and proportionate sanction, the panel have properly considered the public interest considerations that apply. The maintenance of proper professional boundaries is a fundamental obligation for a teacher as set out in the Teachers’ Standards. There is a clear public interest in the protection of pupils, the maintenance of public confidence in the profession and upholding proper standards of conduct. Whilst there is no evidence of abuse, the panel’s principal concern surrounds his failure to respond to warnings and advice.

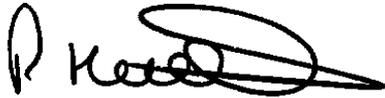
I agree with the panel’s recommendation that a prohibition order is both appropriate and proportionate in this case.

Mr Mallinson’s behaviour was not sexually motivated and there is no evidence to suggest that pupils have suffered harm as a consequence of his behaviour. He was regarded as valued member of the teaching staff. I agree with the panel’s recommendation that he should be allowed to apply for the order to be set aside after a minimum period of two years has elapsed. This would allow him to reflect upon his attitude to his conduct and demonstrate that any ongoing concerns have been satisfactorily resolved.

This means that Mr Christopher Mallinson 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 26 August 2016, 2 years from the date of this order at the earliest. This is not an automatic right to have the Prohibition Order removed. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Christopher Mallinson remains barred from teaching indefinitely.

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

Mr Christopher Mallinson 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, sweeping flourish extending to the right.

NAME OF DECISION MAKER: Paul Heathcote

Date: 20 August 2014

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