



National College for
Teaching & Leadership

Benjamin Simon Hutchins: 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 Benjamin Simon Hutchins
Teacher ref no:	98/48636
Teacher date of birth:	15 October 1976
NCTL Case ref no:	0011075
Date of Determination:	18 August 2014
Former employer:	Wiltshire 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 Benjamin Simon Hutchins.

The Panel members were Ms Nicole Jackson (Lay Panellist – in the Chair), Mrs Fiona Tankard (Teacher Panellist) and Mr Colin Parker (Teacher 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 Hutchins was guilty of Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute, in that, whilst employed at Melksham Oak Community School during 2012 – 2013 he:-

1. Sent private messages on Twitter to a Year 13 female student, which resulted in a Police caution for abuse of position of trust – causing or enticing a child to engage in a sexual act (Wiltshire Constabulary on 10 January 2013);
2. Deliberately falsified examination coursework and marks for English Unit 1;
3. Breached the School's Code of Conduct by contacting students via Facebook.

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 2-3.
Section 2	Notice of Referral, Response and Notice of Meeting.	Pages 5-11b.
Section 3	Statement of Agreed Facts and Presenting Officer Representations.	Pages 15-18.
Section 4	NCTL Documents.	Pages 20-204.
Section 5	Teacher Documents.	Pages 206-213.

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 /Conduct which may bring the profession into disrepute which is reflected in the Statement of Agreed Facts at Pages 13 to 16 of the case papers. (annexed)

That document indicates that Mr Hutchins born on 15 October 1976 admits the allegation and the particulars and accepts that they amount to Unacceptable Professional Conduct /Conduct that may bring the profession into disrepute.

Findings of Fact

Our findings of fact are as follows:-

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

It is alleged that Mr Hutchins is guilty of Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute, in that, whilst employed at Melksham Oak Community School during 2012 – 2013 he:-

1. Sent private messages on Twitter to a Year 13 female student, which resulted in a Police caution for abuse of position of trust – causing or enticing a child to engage in a sexual act (Wiltshire Constabulary on 10 January 2013);
2. Deliberately falsified examination coursework and marks for English Unit 1;
3. Breached the School's Code of Conduct by contacting students via Facebook.

And our reasons are that the case is admitted by Mr Hutchins and there is a Statement of Agreed Facts in the case papers which is supported by other documents which we have considered. However, in relation to Particular 1, we have seen only the Police National Computer print out relating to Mr Hutchins at page 22 of the case papers.

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

Unacceptable Professional Conduct is defined as, "misconduct of a serious nature falling significantly short of the standard of behaviour expected of a teacher" and Conduct that may bring the Profession into Disrepute should be judged in a similar way.

In this case we have considered each of the particulars separately. We, firstly, find that the messages sent to the Student on Twitter which led to Mr Hutchins' accepting a

Caution are, in our judgement, both Unacceptable Professional Conduct and Conduct that may bring the Profession into Disrepute. The very fact that Mr Hutchins accepted a Caution establishes that he made a clear admission of guilt as to his conduct. Even without knowing precisely what was said in the on-line conversation that Mr Hutchins had with the student it is clearly wholly unacceptable for a Teacher to have a conversation of the nature that Mr Hutchins has admitted. It represents a significant breach of the personal and professional conduct elements of the Teachers Standards and damages the collective reputation of the Profession.

In relation to Particular 2, Mr Hutchins accepts that he exhibited a wholesale disregard for the rules applicable to the submission of coursework made by the examination board. That disregard was systematic and, apparently, carefully planned. His conduct strikes at the integrity of the public examination system. We consider that it constitutes both Unacceptable Professional Conduct and Conduct that may bring the Profession into Disrepute for the same reasons as indicated above.

Policies adopted by Schools as to the appropriate and limited use of social media by teachers are in place to protect both students and staff. In this case we are satisfied that Mr Hutchins was very well aware of the relevant School Policy not least because he had been suspended for entirely inappropriate use of Twitter. At the time of these events he was in his late 30's, was Head of English and, thus, in a senior management position. During his suspension he had also received specific written advice from the Headteacher that he should not contact students by social media. There was, in our view, no good reason for him to breach that advice but he continued to use social media to contact students. In the circumstances we judge his conduct to be Unacceptable Professional Conduct. We recognise that the content of the conversations we have seen exhibited in the case papers principally concerned only a critique of certain films. We also acknowledge that there is some evidence in the case papers which suggests that the school may have been encouraging the use of social media by staff in certain very limited circumstances. However, it is clear that Mr Hutchins must have known that what he admits he did was not acceptable."

Panel's recommendation to the Secretary of State

Prohibition Orders are made in the public interest which 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

In this case Mr Hutchins has admitted serious misconduct in two completely separate areas, namely his contact with students on social media sites and his management of

public examination papers. His conduct was exposed after he had taught at the same school for 12 years. His engagement with students by social media continued even after he had been suspended during the school's investigation into his behaviour and in clear breach of specific guidance he had received in writing from the Headteacher.

We consider both his engagement with students and the fraudulent submission of coursework are, taken on their own, serious enough to require that Mr Hutchins should be prohibited. That he should behave in such an unacceptable manner in such different areas of his professional practice causes the Panel grave concern. All the limbs of our public interest duty are thus engaged in this case.

We recognise that Mr Hutchins, when faced with the evidence, admitted what he had done.

We have carefully considered the documents Mr Hutchins has submitted which are contained in the case papers. However, we find there is no expression of remorse or regret for what occurred or recognition of the impact his conduct has had on pupils, colleagues or the school itself.

We judge, therefore, that Mr Hutchins' behaviour was unprofessional and wholly unacceptable. He has demonstrated that he has behaved in a way that renders him incompatible with being a teacher. We conclude, therefore, that a Prohibition Order should be imposed in the public interest. Because of the disparate nature of his behaviour, the fact that it was intentional and Mr Hutchins' failure to demonstrate any insight into his damaging conduct we recommend that there should be no review period.

Decision and reasons on behalf of the Secretary of State

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

Mr Hutchins has admitted all the facts. The panel have found the facts proved and that those facts amount in aggregate to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mr Hutchins behaviour amounts to serious misconduct in two very separate areas, inappropriate contact with students through social media and his management of examination papers.

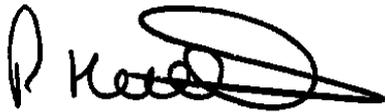
Whilst Mr Hutchins has admitted all the allegations against him, he has made no expression of remorse or regret. There is no evidence that he recognises the impact of his conduct on pupils and colleagues. I therefore agree that a prohibition order is both an appropriate and proportionate sanction.

Mr Hutchins behaviour was intentional and he has failed to show any insight, I therefore agree that the prohibition order should be without the opportunity for Mr Hutchins to apply for it to be set aside.

This means that Mr Benjamin Simon Hutchins 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 Benjamin Simon Hutchins 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 Benjamin Simon Hutchins 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 at the end.

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.