



National College for
Teaching & Leadership

Richard Paul: Professional Conduct Panel outcome

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

14 October 2014

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

Teacher:	Mr Richard Paul
Teacher ref no:	07/20272
Teacher date of birth:	8 October 1954
NCTL Case ref no:	0011598
Date of Determination:	Tuesday 14 October 2014
Former employer:	Birmingham City University Conservatoire of Music

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened in Private Meeting on Tuesday 14 October 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Richard Paul.

The Panel members were Mr Mike Carter (Teacher Panellist - in the Chair), Ms Nicole Jackson (Lay Panellist) and Ms Sharon Gimson (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 3 October 2014.

It was alleged that Mr Paul was guilty of conduct that may bring the profession into disrepute, in that:-

1. On 27 November 2013 he was cautioned for the criminal offence of making an indecent photograph or pseudo-photograph of a child. He committed this offence on 6 April 2013.

C. Summary of evidence

Documents

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

Section 1	Chronology	Page 2
Section 2	Notice of Referral, Response and Notice of Meeting.	Pages 4-9a
Section 3	Statement of Agreed Facts and Presenting Officer's Representations	Pages 10-13
Section 4	NCTL Documents	Pages 15-81
Section 5	Teacher Documents	Pages 83-84

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

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 meeting.

This case concerns an allegation of conduct that may bring the profession into disrepute which is reflected in the Statement of Agreed Facts at pages 10 to 11 of the case papers.

That document indicates that Mr Paul, born on 8 October 1954, was a self-employed freelance teacher and performer. He was employed at the Birmingham Conservatoire

Junior School as a visiting Lecturer from 18 September 2004 to 9 October 2013 when he was dismissed.

He was also engaged as a Singing Teacher at various schools between 1997 until July 2012. He ceased all teaching in schools from April 2013.

Mr Paul was cautioned by Staffordshire Police on 27 November 2013 for making an indecent photograph or pseudo photograph of a child. The offence was committed on 6 April 2013.

He admits the facts of the allegation against him and that they amount to conduct that may bring the profession into disrepute.

In the documents submitted by the teacher to the National College Mr Paul indicates that on 6 April 2013 he was approached by an individual in an adult chat room over the internet to “engage” in conversation during which that person professed an attraction to children.

Mr Paul says he was curious and stupid enough to see just how accessible such images were on the internet and really wasn't expecting to find anything; he presumed, naively, that such images would be hidden behind a pay wall; unfortunately they were not.

He says that the images that he accessed did not involve children being naked or engaging in any kind of sexual activity and that when he tried to exit the page of thumbnail images, another page from a different site would automatically appear on the screen. He says this happened several times.

Accordingly he took his computer for repair and it was while the computer was being repaired that the images were found. Mr Paul says that he did not physically download any of the images that were found on his computer.

He says that he was very stupid to use an adult chat room in the first place and committed a gross error of judgement in doing so. He says that he fully regrets his actions and does not believe that he poses a threat or a danger to children and young people. He acknowledges that his actions on the 6 April could be seen as bringing the teaching profession into disrepute however this was certainly not his intention. He asserts that it never even occurred to him that he might be committing an offence.

As indicated above he was cautioned for the offence.

He says that he has stopped teaching all private pupils under the age of 18 and has no intention of teaching in a school or college ever again.

Findings of Fact

Our findings of fact are as follows.

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

On 27 November 2013 he was cautioned for the criminal offence of making an indecent photograph or pseudo photograph of a child. He committed this offence on 6 April 2013.

Our reasons are that we have relied on the admission made by Mr Paul in the case papers and the Statement of Agreed Facts. The case papers also include a copy of the caution itself which was dealt with by Staffordshire Police and appears to be signed by the Teacher.

Findings as to conduct that may bring the profession into disrepute

Conduct that may bring the Profession into Disrepute is defined as misconduct of a serious nature falling significantly short of the standard of behaviour expected of a Teacher. It very often covers a Teacher's behaviour outside the education setting where the alleged conduct, as here, may affect the collective reputation of the profession. We note that Mr Paul himself acknowledges that in his view his conduct does amount to Conduct that may bring the Profession into Disrepute.

In our judgement Mr Paul's admitted conduct inevitably has a negative impact on his status as a teacher and, thus, brings the profession into disrepute. Mr Paul accepted a Police Caution and it is therefore a matter of record that he has admitted the offence of making an indecent photograph or pseudo photograph of a child. Our guidance indicates that even a "one off" incident involving that sort of behaviour should normally be regarded as Conduct that may bring the Profession into Disrepute. We agree with the guidance.

In his own account of how he came across the offending material Mr Paul accepts that he accessed the website because he was "curious" after engaging in conversation with another individual in an adult chat room who had "professed an attraction to children". Although he had not expected to be able to access the images, the fact that he did so occurred as a direct consequence of deliberate actions on his part. Taking account of his explanation we judge that this is a case of Conduct that may bring the Profession into Disrepute.

Panel's recommendation to the Secretary of State

We have no evidence of any previous misconduct by Mr Paul during his teaching career and have taken account of the circumstances which lead to Mr Paul committing the offence for which he was cautioned. We judge that the written representations at page 84 in the case papers that he has submitted, demonstrate that he shows some insight into

his conduct. However we do find it difficult to believe that, in his words: - “it had never even occurred to me that I might be committing an offence.”

We also recognise that this was a “one off” incident and that the images which Mr Paul accessed were at the lowest end of the scale and did not involve pictures of children who were naked or engaged in sexual activity.

Nonetheless we regard Mr Paul’s conduct as being sufficiently serious for us to conclude that it renders him incompatible with remaining as a member of the profession. That view accords with the guidance set out in the “Teacher misconduct: prohibition of teachers” document.

Prohibition orders are not intended to be punitive but are made in the public interest which includes both the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. We judge that both considerations are engaged in this case. We therefore recommend that a Prohibition Order should be imposed.

We have also considered carefully whether Mr Paul should be allowed to make an application for set aside of the Prohibition Order at any time in the future. In making that judgement we have had regard to the principle of proportionality and have balanced the teacher’s interests against our duty to the public. There is no evidence that Mr Paul represents a future risk to pupils. Taking account of the mitigating features we have identified above we recommend that Mr Paul should be allowed to apply for the Prohibition Order to be set aside after the minimum period of two years has elapsed. It may be that any Panel hearing a set aside application would be assisted by evidence that Mr Paul demonstrates insight into the gravity of his admitted conduct and has undertaken continuing professional development with regard to safeguarding while subject to the Prohibition Order.

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 Paul has received a police caution for the criminal offence of making an indecent photograph or pseudo-photograph of a child. Mr Paul admits the facts and that those facts amount to conduct that may bring the profession into disrepute.

The panel have determined that this is serious misconduct, incompatible with him remaining as a member of the profession. They have given due regard to the public interest considerations evident in this case, namely the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct. The

panel have recommended that a prohibition order is an appropriate and proportionate sanction and I agree with their recommendation.

The panel have gone on to consider whether it would be appropriate for Mr Paul to be allowed to make an application for the order to be set aside at any time in the future. The panel have judged that there is no evidence that Mr Paul represents a future risk to pupils and have noted his previously unblemished record. Taking account of this and the particular circumstances of the offence the panel have recommended that Mr Paul be allowed to apply to have the order set aside after a period of two years has elapsed.

However, the Secretary of State's advice *Teacher misconduct: the prohibition of teachers* makes it clear that there are circumstances where consideration should be given to not allowing provision for a set aside application. These include 'where the case involved any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child'. Having due regard to the Secretary of State's advice I have decided that the prohibition order should be without provision for review.

This means that Mr Richard Paul 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 Richard Paul 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 Richard Paul 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: Paul Heathcote

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

Date: 16 October 2014

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