



National College for  
Teaching & Leadership

# **Mr Michael Diggle: Professional Conduct Panel outcome**

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

**February 2015**

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

<b>Teacher:</b>	Mr Michael Diggle
<b>Teacher ref no:</b>	9746087
<b>Teacher date of birth:</b>	25 September 1975
<b>NCTL Case ref no:</b>	0011067
<b>Date of Determination:</b>	25 February 2015
<b>Former employer:</b>	Southfield School for Girls, Northamptonshire County Council

### **A. Introduction**

A Professional Conduct Panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 23, 24 and 25 February 2015 at the Hilton Hotel, Paradise Way, Walsgrave Triangle, Coventry CV2 2ST, to consider the case of Mr Michael Diggle.

The panel members were Mr Martin Pilkington (Lay Panellist– in the Chair), Mrs Kathy Thomson (Teacher Panellist) and Professor Ian Hughes (Lay Panellist).

The legal adviser to the panel was Mr Thomas Whitfield of Eversheds LLP solicitors.

The presenting officer for the National College was Mr Stephen Brassington of counsel, instructed by Nabarro LLP solicitors.

Mr Michael Diggle was not present and was not represented.

The hearing took place in public, save for those aspects dealing with Mr Diggle’s health. The hearing was recorded.

## B. Allegations

The panel considered the allegations set out in the notice of proceedings dated 28 August 2014.

During the course of the proceedings, the presenting officer applied for allegation 5.a.ii. to be amended by removing the words “see-through”. The panel determined that it would be in the interests of justice for the allegation to be amended in this way and granted the application. This decision notice uses throughout the allegations as amended.

It was alleged that Mr Michael Diggle was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as the Head of Creative Arts at Southfield School for Girls, Kettering, between 2012 to 2013:

1. He acted in an inappropriate manner in that on a date unknown, he conducted a photo session with Student A, and he:
  - a. was alone in the room with Student A,
  - b. took inappropriate photographs of Student A
  - c. instructed Student A how to pose,
  - d. moved her clothing to expose her legs,
  - e. instructed Student A to remove her bra,
  - f. moved one of the straps of the garment off her shoulder,
2. He acted in an inappropriate manner in that on an unknown date other than 1 above, he conducted a photo session with Student A, and he:
  - a. was alone in the room with Student A,
  - b. instructed Student A to wear a see-through garment,
  - c. took inappropriate photographs of Student A,
  - d. instructed Student A how to pose,
  - e. instructed Student A to remove her bra,
3. He acted in an inappropriate manner in that on an unknown date other than 1 and 2 above, he conducted a photo session with Student A, and he:
  - a. was alone in the room with Student A,
  - b. instructed Student A to wear a see-through garment,
  - c. took inappropriate photographs of Student A
  - d. instructed Student A how to pose,
4. On the 28th March 2013 he acted in an inappropriate manner in that he conducted a photo session with Student A, and he:

- a. was alone in the room with Student A,
  - b. instructed Student A to wear a see-through garment,
  - c. took inappropriate photographs of Student A,
  - d. instructed Student A how to pose,
  - e. instructed Student A to remove her bra,
  - f. assisted Student A to apply make up to her face, the top of her back, her collar bone and her chest,
  - g. instructed Student A to lower the garment to her waist,
  - h. whilst the garment was lowered to her waist he took photographs of her:
    - i. lying on her back with her arm and hand covering her breasts,
    - ii. on her knees with her arm and hand covering her breasts,
    - iii. naked back,
  - i. removed bruise make-up that he had applied to Student A,
  - j. whilst removing the bruise make-up, commented on Student A's figure and said to Student A she had a "curvaceous figure" or words to that effect,
  - k. embraced Student A;
5. He acted in an inappropriate manner in relation to Student B, in that:
- a. on one or more occasions, on an unknown date or dates, he conducted a photo session with Student B, and he:
    - i. was alone in the room with Student B,
    - ii. instructed Student B to wear a garment,
    - iii. instructed Student B to remove her bra,
  - b. on an unknown date he lifted Student B over his shoulder in a fireman's lift;
6. He acted in an inappropriate manner in relation to Student C, in that he:
- a. stated to Student C that he was going to make her feel uncomfortable and vulnerable, or words to that effect,
  - b. instructed Student C to prepare to rehearse in a nightgown,
  - c. instructed Student C to shave her legs for rehearsal;
7. His actions as described at paragraphs 1 to 5 above were sexually motivated.

Mr Diggle denied each of the allegations.

## C. Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Mr Diggle. The panel satisfied itself that Mr Diggle had been sent a notice of proceedings in compliance with the requirements of the procedures and that he had been made aware of the dates of the adjourned hearing.

The panel went on to consider whether it should exercise its discretion to proceed in the absence of Mr Diggle. In doing so, the panel was mindful of Mr Diggle's right to a fair trial and also mindful that that right could be waived if the waiver was unequivocal.

The panel noted that Mr Diggle had had the benefit of a representative who had been engaged until the week prior to the hearing; that the matter had previously been adjourned on grounds which suggested that Mr Diggle would be fit to attend a hearing by the new year 2015; that Mr Diggle had not sought another adjournment; that Mr Diggle's representative apparently anticipated that the panel would proceed in Mr Diggle's absence; that there was no medical evidence that Mr Diggle was unable to attend the hearing; that there was no basis to conclude that an adjournment would result in Mr Diggle's attendance; that there were witnesses present whose recollection of events could fade with time; and the public interest in the hearing taking place within a reasonable period of time.

The panel balanced these factors against the potential disadvantage to the defendant in not being able to give oral evidence as to his account of events; the risk of reaching the wrong decision in the absence of such evidence and submissions from Mr Diggle; and also the seriousness of the matter before the panel, given the potential ramifications for Mr Diggle.

At all times the panel was mindful of the exceptional nature of a decision to proceed in the absence of a teacher. The panel considered, based on the letter from Mr Diggle's representative, that Mr Diggle had unequivocally waived his right to participate in the hearing. Balancing all of the above factors, the panel determined to proceed in the absence of Mr Diggle.

The panel considered an application from the presenting officer that those elements of the hearing relating to Mr Diggle's health be heard in private. The panel decided that the hearing would be in public, save for those parts dealing with Mr Diggle's health, which would be in private.

The panel then considered an application from the presenting officer that the names of Students A, B and C not be released, on the basis that it was in the interests of justice for the names of those witnesses not to be disclosed. At that stage the panel had no evidence before it that the quality of the witnesses was likely to be adversely affected at the hearing, and Students A, B and C were all adults at the time of the hearing. In those

circumstances, the panel did not consider that it was in the public interest for the names of the witnesses not to be disclosed.

However, the panel was subsequently presented with evidence that the quality of the evidence of Students A and B was likely to be adversely affected unless the names of Students A, B and C were withheld from disclosure. The panel was satisfied that the quality of the evidence of Students A and B was likely to be adversely affected, unless the names of Students A, B and C were withheld from disclosure. The panel was also satisfied that with that protection in place, the welfare of Students A and B would not be prejudiced. On these bases, the panel granted an application that Students A and B give evidence and that the names of Students A, B and C not be disclosed during the hearing or at all.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and Anonymised Pupil list, with page numbers from 2 to 4.

Section 2: Notice of Proceedings and response, with page numbers from 6 to 15.

Section 3: National College for Teaching & Leadership Witness Statements, with page numbers from 17 to 45.

Section 4: National College for Teaching and Leadership Documents, with page numbers from 47 to 135.

Section 4: Teacher Documents, with page numbers from 137 to 169.

The panel members confirmed that they had read all of the above documents in advance of the hearing.

During the hearing, the panel received an unredacted copy of the witness statement of Michael Diggle dated 23 January 2015 found at page numbers 160 to 169 of the bundle and a copy of the notes of an interview with Student C signed on 4 July 2013

The panel also reviewed a video recording of a police interview with Student A and were shown two garments.

In addition, during the course of the hearing, the panel accepted the following additional documents:

A letter dated 26 September 2014 from an Individual A Child to Mr Diggle.

A letter dated 19 February 2015 from Mr Diggle's representative, Mr Ed Brown, to the National College.

Two further pages from the report of Witness D, that had not been included in the bundle of documents, inserted at pages 54a and 54b.

A note of telephone interview with Individual B held on 18 June 2013, given page numbers 170 to 173.

A statement of Individual B dated 7 April 2013, given page numbers 174 to 178.

## **Witnesses**

The panel heard oral evidence from:

Student B, called by the presenting officer for the National College.

Student A, called by the presenting officer for the National College.

Student C, called by the presenting officer for the National College.

Witness D, independent investigating officer engaged by the School, called by the presenting officer for the National College.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel has now carefully considered the case before it and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing and those provided during the hearing.

Mr Diggle commenced employment at Southfield School for Girls, Kettering (the "School"), on 1 September 2006, as Head of Drama. He was promoted to Head of Creative Arts in September 2012, a role that Mr Diggle carried out in addition to his role as Head of Drama.

In late 2012 it was decided that students at the School taking A-level drama would perform a provocative play, "Crave", outside of their usual studies, so as to improve their skills and bolster their university applications. During the performance, some audience members were to be shown pictures of students, in provocative poses, such as those that some young women post on Facebook. Some such photographs involved the students wearing bruise make-up. Allegations 1 to 5 and 7 relate to such photographs.

## Findings of Fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against Mr Diggle proven, for these reasons:

### **1 He acted in an inappropriate manner in that on a date unknown, he conducted a photo session with Student A, and he:**

#### **a. was alone in the room with Student A,**

Mr Diggle has admitted that he was alone in the room with Student A whilst conducting a photo session. In oral evidence, Student A confirmed this to have been the case. On these bases the panel finds it to have been proven that Mr Diggle conducted a photo session with Student A whilst he was alone in the room with her.

The panel also finds it proven that this amounted to acting in an inappropriate manner. Whilst it is not always inappropriate for a teacher to be alone in a room with a student, the panel determined that the occurrence and nature of the photo session meant that it was inappropriate for Mr Diggle to be alone in a room with Student A at the time.

Accordingly, the panel finds allegation 1.a. to be proven.

#### **d. moved her clothing to expose her legs,**

Mr Diggle has stated in his written evidence to the panel that, "I have never touched anyone in an inappropriate way, pats on the back, hand shakes and physical direction during work are the only positive physical interactions undertaken." The panel understands from this that Mr Diggle denies that he moved Student A's clothing to expose her legs.

In her written evidence to the panel, Student A stated, "Mr Diggle then asked me whether he could pull the nightie up so that my legs could be seen and I agreed" and, "Mr Diggle always asked before he re-positioned the nightie but he would always move it rather than asking me to lower the strap, or raise the nightie".

The panel has found Student A to be an honest and open witness and her account of this event to be credible. The panel has found Student A's specific evidence on this point to be more persuasive than the general denial made by Mr Diggle in his written evidence to the panel.

On the balance of the evidence, the panel finds it to have been proven that Mr Diggle moved Student A's clothing to expose her legs, whilst conducting a photo session with her.

The panel also finds it proven that this amounted to acting in an inappropriate manner. There was no need for Mr Diggle to move Student A's clothing himself, rather than asking Student A to do it. In the absence of such necessity, touching Student A so as to expose more of her legs was inappropriate.

Accordingly, the panel finds allegation 1.d. to be proven.

### **e. instructed Student A to remove her bra,**

Mr Diggle has stated in his written evidence to the panel that, "I have never asked any pupil to remove items of costume."

In her written evidence to the panel, Student A stated, "Mr Diggle asked me to remove my bra as the straps were showing."

The panel has had the benefit of oral evidence, on oath, from Student A, during which the panel was able to assess Student A's body language and demeanour and ask questions of Student A. From this the panel found Student A to be an honest and open witness. The panel specifically found her account of this event to be credible.

The panel has noted that Mr Diggle's denial of having ever asked a pupil to remove items of costume has been contradicted, not only by Student A, in respect of this incident, but also by Student B in respect of another incident. Whilst Student B's position is not directly relevant to this allegation, the panel views this as undermining Mr Diggle's credibility, including specifically in relation to his denial that he has ever asked a pupil to remove items of costume.

In light of the compelling nature of Student A's evidence, as described above, and the contradiction of Mr Diggle's denial identified above, the panel finds the evidence of Student A to be more persuasive than that of Mr Diggle.

As to whether Mr Diggle gave an instruction rather than made a request, the panel noted Student A's oral evidence, to the effect that Student A did not feel able to challenge Mr Diggle's indications in the form that they were given. Given this and the teacher-pupil relationship in general, the panel was satisfied that Mr Diggle's indications carried the element of direction implicit in the word "instructed", such that this element of the allegation was made out.

On the above bases, the panel finds it to have been proven that Mr Diggle instructed Student A to remove her bra.

The panel also finds it proven that this amounted to acting in an inappropriate manner. The panel cannot envisage any plausible circumstances in which it would not be

inappropriate for a teacher to act in this manner. In any event, no justification has been advanced that would cause the panel to find otherwise.

Accordingly, the panel finds allegation 1.e. to be proven.

**f. moved one of the straps of the garment off her shoulder,**

Mr Diggle has stated in his written evidence to the panel that, “I have never touched anyone in an inappropriate way, pats on the back, hand shakes and physical direction during work are the only positive physical interactions undertaken.” The panel understands from this that Mr Diggle denies that he moved one of the straps of the garment being worn by Student off her shoulder.

In her written evidence to the panel, Student A stated, “Mr Diggle then asked if he could move one of the straps of the nightie off my shoulder and I said that it was fine. Mr Diggle always asked before her re-positioned the nightie but he would always move it rather than asking me to lower the strap, or raise the nightie”.

As noted above, the panel has found Student A to be an honest and open witness and her account of this event to be credible. The panel has found Student A’s specific evidence on this point to be more persuasive than the general denial made by Mr Diggle in his written evidence to the panel.

On the balance of the evidence, the panel finds it to have been proven that Mr Diggle moved one of the straps of a garment off the shoulder of Student A, whilst conducting a photo session with her.

The panel also finds it proven that this amounted to acting in an inappropriate manner. There was no need for Mr Diggle to move Student A’s clothing himself, rather than asking Student A to do it. In the absence of such necessity, touching Student A so as lower the strap of her nightie was inappropriate.

Accordingly, the panel finds allegation 1.f. to be proven.

**2 He acted in an inappropriate manner in that on an unknown date other than 1 above, he conducted a photo session with Student A, and he:**

**a. was alone in the room with Student A,**

Mr Diggle has admitted that he was alone in the room with Student A whilst conducting a photo session, although Mr Diggle only refers to photo sessions with Student A occurring on two occasions and the second occasion occurring on 28 March 2013 (as per allegation 4).

Student A's written evidence is that the second photo session was before 28 March 2013. Student A was able to provide the panel with specific details of each of the four photo sessions she says took place and the panel found her evidence, including her oral evidence on oath, to be compelling.

On balance, the panel finds it to have been proven that Mr Diggle conducted a photo session with Student A whilst he was alone in the room with her, on a second occasion before 28 March 2013.

The panel also finds it proven that this amounted to acting in an inappropriate manner, for the same reasons set out in relation to allegation 1.a.

Accordingly, the panel finds allegation 2.a. to be proven.

#### **e. instructed Student A to remove her bra,**

Mr Diggle has stated in his written evidence to the panel that, "I have never asked any pupil to remove items of costume." Mr Diggle was also asked, in an interview with the independent investigating officer engaged by the School, "Did you ask her to remove her bra?" and, "Did you suggest it?", in response to both of which he answered, "No". The panel understands these questions and answers to have related to this event, based on the discussion of the surrounding circumstances during that interview.

In her written evidence to the panel, Student A stated, "Mr Diggle asked me to remove my bra as the straps were showing."

The panel has had the benefit of oral evidence, on oath, from Student A, during which the panel was able to assess Student A's body language and demeanour and ask questions of Student A. From this the panel found Student A to be an honest and open witness. The panel specifically found her account of this event to be credible.

The panel has noted that Mr Diggle's denial of ever having asked a pupil to remove items of costume has been contradicted, not only by Student A, in respect of this incident, but also by Student B in respect of another incident. Whilst Student B's position is not directly relevant to this allegation, the panel views this as undermining Mr Diggle's credibility, including specifically in relation to his denial that he has ever asked a pupil to remove items of costume.

In light of the compelling nature of Student A's evidence, as described above, and the contradiction of Mr Diggle's denial identified above, the panel finds the evidence of Student A to be more persuasive than that of Mr Diggle.

As to whether Mr Diggle gave an instruction rather than made a request, the panel noted Student A's oral evidence, to the effect that Student A did not feel able to challenge Mr Diggle's indications in the form that they were given. Given this and the teacher-pupil relationship in general, the panel is satisfied that Mr Diggle's indications carried the

element of direction implicit in the word “instructed”, such that this element of the allegation has been made out.

On the above bases, the panel finds it to have been proven that Mr Diggle instructed Student A to remove her bra on this occasion.

The panel also finds it proven that this amounted to acting in an inappropriate manner, for the same reasons as set out in relation to allegation 1.e. above.

Accordingly, the panel finds allegation 2.e. to be proven.

### **3 He acted in an inappropriate manner in that on an unknown date other than 1 and 2 above, he conducted a photo session with Student A, and he:**

#### **a. was alone in the room with Student A,**

Mr Diggle has admitted that he was alone in the room with Student A whilst conducting a photo session, although Mr Diggle only refers to photo sessions with Student A occurring on two occasions and the second occasion occurring on 28 March 2013 (as per allegation 4).

Student A’s written evidence is that the third photo session was before 28 March 2013. Student A was able to provide the panel with specific details of each of the four photo sessions she says took place and the panel found her evidence, including her oral evidence on oath, to be compelling.

Student A’s evidence was that, on this occasion, an IT technician was present when Student A arrived at the studio for the photo session and so the session did not initially proceed. Student A’s evidence was that the photo session took place once the technician had left, but was interrupted when the technician returned. According to Student A, a few further photographs were taken in the “cupboard”, which is a side room by the studio, after which the photo session was rescheduled given that, “the IT technician was still around”.

On balance, the panel finds it to have been proven that Mr Diggle conducted a photo session with Student A whilst he was alone in the room with her, on a third occasion before 28 March 2013.

The panel also finds it proven that this amounted to acting in an inappropriate manner, for the same reasons set out in relation to allegation 2.a.

Accordingly, the panel finds allegation 3.a. to be proven.

#### **4 On the 28th March 2013 he acted in an inappropriate manner in that he conducted a photo session with Student A, and he:**

##### **a. was alone in the room with Student A,**

Mr Diggle has admitted that he was alone in the room with Student A whilst conducting a photo session on 28 March 2013. In oral evidence, Student A confirmed this to have been the case. On these bases the panel finds it to have been proven that, on this occasion, Mr Diggle conducted a photo session with Student A whilst he was alone in the room with her.

The panel also finds it proven that this amounted to acting in an inappropriate manner. Whilst it is not always inappropriate for a teacher to be alone in a room with a student, the panel determined that the occurrence and nature of the photo session meant that it was inappropriate for Mr Diggle to be alone in a room with Student A at the time.

Accordingly, the panel finds allegation 4.a. to be proven.

##### **e. instructed Student A to remove her bra,**

Mr Diggle has stated in his written evidence to the panel that, "I have never asked any pupil to remove items of costume."

In her written evidence to the panel, Student A stated, "After Mr Diggle had taken some photographs in this position, he again asked me to remove my bra as the straps were visible."

The panel has had the benefit of oral evidence, on oath, from Student A, during which the panel was able to assess Student A's body language and demeanour and ask questions of Student A. As indicated above, the panel found Student A to be an honest and open witness. The panel specifically found her account of this event to be credible.

The panel has noted that Mr Diggle's denial of having ever asked a pupil to remove items of costume has been contradicted, not only by Student A, in respect of this incident, but also by Student B in respect of another incident. Whilst Student B's position is not directly relevant to this allegation, the panel views this as undermining Mr Diggle's credibility, including specifically in relation to his denial that he has ever asked a pupil to remove items of costume.

In light of the compelling nature of Student A's evidence, as described above, and the contradiction of Mr Diggle's denial identified above, the panel finds the evidence of Student A to be more persuasive than that of Mr Diggle.

For analogous reasons to those set out in relation to allegation 2.e. above, the panel is satisfied that Mr Diggle's communication amounted to an instruction.

On the above bases, the panel finds it to have been proven that Mr Diggle instructed Student A to remove her bra on this occasion.

The panel also finds it proven that this amounted to acting in an inappropriate manner, for the same reasons as set out in relation to allegation 1.e. and 2.e. above.

Accordingly, the panel finds allegation 4.e. to be proven.

**f. assisted Student A to apply make up to her face, the top of her back, her collar bone and her chest,**

Mr Diggle has admitted that, for this photo session, he applied bruise make-up to Student A's, "neck, a bit of her face and top of her back". He went on, "her neck area, nothing lower than that", whilst indicating shoulder blade level.

Student A stated in written evidence that Mr Diggle applied the make-up to, "my face, the top part of my back and then my front near my collar bone down the higher part of my chest to just above my breasts". In oral evidence Student A demonstrated the area of coverage to the panel.

The panel also finds it proven that this amounted to acting in an inappropriate manner. It was improper for Mr Diggle to touch Student A in this manner.

Taking into consideration all of the above evidence, the panel found this allegation proven.

**g. instructed Student A to lower the garment to her waist,**

Mr Diggle was asked by the investigating officer, "Did you ask her to lower the nightie to her waist" and he answered, "No".

Student A stated in written evidence that, "the white nightie was lowered to my waist" and, "I trusted Mr Diggle so did not question him asking me to do it. I did not have the confidence to ask Mr Diggle why I needed to lower the nightie to my waist during the photo-shoot".

As noted above, Student A has given evidence on oath and the panel found her to be an honest and open witness. The panel found her evidence relating to this allegation to be credible.

The panel also finds that this was inappropriate conduct. It is, in the panel's view, clearly inappropriate to instruct a female student to lower a garment to their waist.

On balance the panel found allegation 4.g. to be proven.

**h. whilst the garment was lowered to her waist he took photographs of her:**

**i. lying on her back with her arm and hand covering her breasts,**

**ii. on her knees with her arm and hand covering her breasts,**

**iii. naked back,**

Student A's evidence that Mr Diggle was taking photographs of her whilst in each of these poses was clear, both in her written evidence to the panel in relation to h.i. and h.ii. and oral evidence in relation to each of h.i., h.ii. and h.iii. As noted above, the panel found Student A to be an open and honest witness.

In addition, Student A's evidence was consistent with the hearsay evidence presented to the panel that recorded that a police officer who had viewed the photographs had indicated to Witness D that Student A was not wearing any clothing above her waist in some photographs.

On the balance of the evidence, the panel found that Mr Diggle had taken photographs of Student A in the above poses.

The panel also finds that this was inappropriate. It is, in the panel's view, clearly inappropriate to take photographs of a female student whilst their garment has been lowered to their waist.

The panel therefore finds this allegation proven.

**i. removed bruise make-up that he had applied to Student A,**

Mr Diggle has admitted that he removed bruise make-up from Student A. Moreover, Student A's written and oral evidence on this point was cogent and detailed. The panel is satisfied that Mr Diggle removed the make-up from Student A's back, the top half of Student A's chest above her breasts and under her eyes.

The panel is also satisfied that this conduct was inappropriate, given that there was no need for Mr Diggle to remove the make-up from Student A's face and chest – Student A was capable of doing this herself and had done so in the past.

The panel therefore finds this allegation proven.

**j. whilst removing the bruise make-up, commented on Student A's figure and said to Student A she had a "curvaceous figure" or words to that effect,**

Mr Diggle denied using words to the effect alleged, although he admitted making a complimentary comment about Student A on this occasion.

Student A's written evidence was that Mr Diggle had said that Student A had a, "curvaceous figure". In oral evidence, Student A indicated that Mr Diggle had said that she had, "curves in all the right places" or words to that effect. As indicated above, the panel found Student A to be an honest and open witness. The panel found Student A's account to be particularly credible on this issue.

On the balance of the evidence, the panel finds this allegation proven.

**k. embraced Student A;**

Mr Diggle has stated in his written evidence to the panel that, "I have never touched anyone in an inappropriate way, pats on the back, hand shakes and physical direction during work are the only positive physical interactions undertaken." The panel understands from this that Mr Diggle denies that he embraced Student A.

In written evidence, Student A described Mr Diggle's giving her, "a big hug, with both arms, from the front". In oral evidence Student A described this as a hug akin to one that a father would give.

On the balance of the evidence, the panel was satisfied that Mr Diggle did embrace Student A.

Whilst the panel notes that it may not always be inappropriate for a teacher to place an arm around a student, the fact that this occurred at the end of such a photo session and was a full embrace, facing the student, meant that the panel found the act to be inappropriate.

The panel therefore finds this allegation proven.

**5 He acted in an inappropriate manner in relation to Student B, in that:**

**a. on one or more occasions, on an unknown date or dates, he conducted a photo session with Student B, and he:**

**i. was alone in the room with Student B,**

Mr Diggle's evidence to the panel did not clearly and directly address this allegation.

Student B provided written evidence and appeared before the panel to give oral evidence on oath.

The panel found Student B to be an honest and credible witness. Her evidence was detailed and was clear, that Mr Diggle had conducted a photo session with Student B and was alone with Student B at the time.

The panel found that this event did take place and was also satisfied that it constituted Mr Diggle's acting in an inappropriate manner. The panel determines that the occurrence and nature of the photo session meant that it was inappropriate for Mr Diggle to be alone in a room with Student A at the time.

Accordingly, the panel finds allegation 5.a.i. to be proven.

### **iii. instructed Student B to remove her bra,**

Mr Diggle has stated in his written evidence to the panel that, "I have never asked any pupil to remove items of costume" and, to the investigating officer, in response to the question, "Have you suggested to students that they take their bra off for photos?", "No, no".

In her written evidence to the panel, Student B stated, "Mr Diggle asked me to remove my bra as he did not want to see the strap in the photograph and I refused."

The panel has had the benefit of oral evidence, on oath, from Student B, during which the panel was able to assess Student B's body language and demeanour and ask questions of Student B. From this the panel found Student B to be an honest and credible witness.

The panel has noted that Mr Diggle's denial of having ever asked a pupil to remove items of costume has been contradicted, not only by Student B, in respect of this incident, but also by Student A in respect of other incidents. Whilst Student A's position is not directly relevant to this allegation, the panel views this as undermining Mr Diggle's credibility, including specifically in relation to his denial that he has ever asked a pupil to remove items of costume.

In light of the compelling nature of Student B's evidence, as described above, and the contradiction of Mr Diggle's denial identified above, the panel finds the evidence of Student B to be more persuasive than that of Mr Diggle.

As to whether Mr Diggle gave an instruction rather than made a request, given the teacher-pupil relationship in general, the panel was satisfied that Mr Diggle's asking Student B to remove the bra carried the element of direction implicit in the word "instructed", such that this element of the allegation was made out.

On the above bases, the panel finds it to have been proven that Mr Diggle instructed Student B to remove her bra on this occasion.

The panel also finds it proven that this amounted to acting in an inappropriate manner, for the same reasons as set out in relation to allegation 1.e. above, concerning Student A.

Accordingly, the panel finds allegation 5.a.iii. to be proven.

**iv. on an unknown date he lifted Student B over his shoulder in a fireman's lift;**

Student B indicated in written evidence that Mr Diggle, “picked me up over his shoulder in a fireman’s lift”. Student B demonstrated the nature of this lift to the panel during oral evidence. It involved lifting the student’s head over the back of Mr Diggle, with Student B’s legs in front of Mr Diggle. The panel also finds such close physical contact, for no discernible proper reason, to be inappropriate.

The panel therefore finds this allegation to be proven.

**6 He acted in an inappropriate manner in relation to Student C, in that he:**

**c. instructed Student C to shave her legs for rehearsal;**

Mr Diggle’s evidence was that he did not see this comment as inappropriate.

The evidence from Student C was that Mr Diggle made such a comment as a joke, given that Student C would be wearing a nightgown on stage.

The panel was satisfied on the evidence that Mr Diggle did instruct Student C to shave her legs for rehearsal. The panel accepts that this was most likely meant as a joke, but nonetheless notes that it was not relevant to the character to be played by Student C. As such, the panel finds that such a comment, by a male teacher to a female student, was inappropriate.

On these bases the panel finds allegation 6.c. to be proven.

The panel has found the following particulars of the allegations against Mr Diggle not proven, for these reasons:

**1 He acted in an inappropriate manner in that on a date unknown, he conducted a photo session with Student A, and he:**

**b. took inappropriate photographs of Student A,**

It is admitted by Mr Diggle that he took photographs of Student A. The panel has been informed that the police have been provided with some photographs, but that the

National College has not obtained copies thereof. Accordingly, no photographs have been provided to the panel.

The only evidence before the panel regarding the nature of the photographs from this session (rather than the circumstances in which they were taken) was from Student A, who was shown the photographs from the first photo session by Mr Diggle.

Student A's comments on the photographs included, in her witness statement to the panel, that, "the photographs looked fine" and, in oral evidence, that she did not feel that the photographs were inappropriate.

In light of the evidence, the panel has not found it proven that these photographs taken by Mr Diggle were inappropriate. Accordingly, the panel finds allegation 1.b. to be not proven.

### **c. instructed Student A how to pose,**

Mr Diggle's written evidence to the panel was unclear as to whether, on the occasion in question, he instructed Student A how to pose.

The written evidence of Student A was however clear – Student A stated that, "Mr Diggle told me how to pose for the photographs". In oral evidence Student A clarified that Mr Diggle's words may have been more akin to a request than an instruction. Student A indicated however that she did not feel able to challenge Mr Diggle's requests. In light of this and the teacher-pupil relationship in general, the panel was satisfied that, whilst phrased as a request, the communication carried a sufficient element of direction to amount to an instruction for the purposes of the allegation.

On the balance of the evidence, the panel finds that Mr Diggle did instruct Student A how to pose.

However, the panel has not been satisfied that instructing Student A how to pose, of itself (and distinct from the specific instructions particularised in other allegations), amounted to Mr Diggle's acting in an inappropriate manner during a photo session. Accordingly, the panel finds allegation 1.c. to be not proven.

## **2 He acted in an inappropriate manner in that on an unknown date other than 1 above, he conducted a photo session with Student A, and he:**

### **b. instructed Student A to wear a see-through garment,**

The panel had the benefit of seeing the garment in question. In the panel's view, whilst the garment appeared to be clingy and the shape of the wearer's body may have been discernible in some detail if nothing was worn beneath it, it was not sufficiently transparent to be properly described as "see-through".

The panel therefore finds allegation 2.b. to be not proven.

**c. took inappropriate photographs of Student A,**

As noted above, it is admitted by Mr Diggle that he took photographs of Student A at some point in time. The panel has been informed that the police have been provided with some photographs, but that the National College has not obtained copies thereof. Accordingly, no photographs have been provided to the panel.

Student A's evidence regarding the photographs from this photo session is that she has never seen them. Accordingly, the panel was provided with no evidence as to the nature of the photographs themselves (rather than the circumstances in which they were taken).

In the absence of such evidence, the panel has not found it proven that these photographs taken by Mr Diggle were inappropriate. Accordingly, the panel finds allegation 2.c. to be not proven.

**d. instructed Student A how to pose,**

Mr Diggle's written evidence to the panel was unclear as to whether, on the occasion in question, he instructed Student A how to pose.

The written evidence of Student A was however, clear – Student A stated that, "Again during this photo-shoot, Mr Diggle gave me instructions in relation to how to pose."

On the balance of the evidence, the panel finds that Mr Diggle did instruct Student A how to pose.

However, the panel has not been satisfied that instructing Student A how to pose, of itself (and distinct from the specific instructions particularised in other allegations), amounted to Mr Diggle's acting in an inappropriate manner during a photo session. Accordingly, the panel finds allegation 2.d. to be not proven.

**3 He acted in an inappropriate manner in that on an unknown date other than 1 and 2 above, he conducted a photo session with Student A, and he:**

**b. instructed Student A to wear a see-through garment,**

For the reasons set out in relation to allegation 2.b., the panel finds allegation 3.b. to be not proven.

### **c. took inappropriate photographs of Student A,**

Student A's evidence regarding the photographs from this photo session is that she has never seen them. As noted above in relation to allegations 1.b. and 2.c., the panel has not been provided with copies of any photographs.

Accordingly, the panel was provided with no evidence as to the nature of the photographs themselves (rather than the circumstances in which they were taken).

In the absence of such evidence, the panel has not found it proven that these photographs taken by Mr Diggle were inappropriate. Accordingly, the panel finds allegation 3.c. to be not proven.

### **d. instructed Student A how to pose,**

Mr Diggle's written evidence to the panel was unclear as to whether, on the occasion in question, he instructed Student A how to pose.

In oral evidence, on oath, Student A informed the panel that Mr Diggle did give instructions to Student A on how to pose. Student A's evidence on this point was credible.

On the balance of the evidence, the panel finds that Mr Diggle did instruct Student A how to pose.

However, the panel has not been satisfied that instructing Student A how to pose, of itself (and distinct from the specific instructions particularised in other allegations), amounted to Mr Diggle's acting in an inappropriate manner during a photo session. Accordingly, the panel finds allegation 3.d. to be not proven.

## **4 On the 28th March 2013 he acted in an inappropriate manner in that he conducted a photo session with Student A, and he:**

### **b. instructed Student A to wear a see-through garment,**

For the reasons set out in relation to allegation 2.b., the panel finds allegation 4.b. to be not proven.

### **c. took inappropriate photographs of Student A,**

Student A's evidence regarding the photographs from this photo session is that she has never seen them. As noted above in relation to allegations 1.b., 2.c. and 3.c., the panel has not been provided with copies of any photographs.

In relation to the photographs referred to in this allegation, the panel received hearsay evidence which recorded that a police officer, who had viewed the photographs, had indicated to Witness D that Student A was not wearing any clothing above her waist.

Notwithstanding this hearsay evidence, in the absence of the photographs themselves, which would have been the best evidence of this allegation, the panel was not satisfied on the balance of probabilities that the photographs taken by Mr Diggle were inappropriate. Accordingly, the panel finds allegation 4.c. to be not proven.

#### **d. instructed Student A how to pose,**

Mr Diggle's written evidence to the panel was unclear as to whether, on the occasion in question, he instructed Student A how to pose.

The written evidence of Student A included a specific example of an instruction how to pose – Student A stated that, "Mr Diggle told me to turn over onto my front for more photographs with my legs flat on the blocks."

On the balance of the evidence, the panel finds that Mr Diggle did instruct Student A how to pose.

However, the panel has not been satisfied that instructing Student A how to pose, of itself (and distinct from the specific instructions particularised in other allegations), amounted to Mr Diggle's acting in an inappropriate manner during a photo session. Accordingly, the panel finds allegation 4.d. to be not proven.

### **5 He acted in an inappropriate manner in relation to Student B, in that:**

#### **a. on one or more occasions, on an unknown date or dates, he conducted a photo session with Student B, and he:**

##### **ii. instructed Student B to wear a garment,**

Mr Diggle's evidence does not clearly and directly address this allegation.

The evidence from Student B was that she tried on two nighties from the costume cupboard, "which Mr Diggle selected". According to Student B, after she tried on the first nightie, "Mr Diggle asked me to try the white nightie on".

When shown the white nightie worn by Student A, Student B indicated that it was not the nightie that she had worn. Student B indicated that the nightie she had worn was less see through than the one shown to her.

The panel was satisfied on the evidence that Mr Diggle had instructed Student B to wear a garment during a photo shoot.

The panel was not however satisfied that Mr Diggle was acting in an inappropriate manner by instructing Student B to wear a garment, in the context of a photo shoot.

## **6 He acted in an inappropriate manner in relation to Student C, in that he:**

### **a. stated to Student C that he was going to make her feel uncomfortable and vulnerable, or words to that effect,**

Mr Diggle's written evidence was that, "the comment about making the student feel vulnerable would have been common practice to help her get into character."

The written evidence given by Student C was that, "we're going to go through [a monologue] and I'm going to make you feel really uncomfortable and vulnerable to get into character". Student C's oral evidence was particularly clear that there was a legitimate reason why Mr Diggle should try to make Student C feel uncomfortable and vulnerable, given the nature of the character she was seeking to portray.

On these bases, the panel finds that Mr Diggle did state that he was going to make Student C uncomfortable and vulnerable, or words to that effect, but does not find that this was inappropriate.

The panel therefore finds allegation 6.a. to be not proven.

### **b. instructed Student C to prepare to rehearse in a nightgown,**

Similarly, the written evidence given by Student C was that Mr Diggle, "said that I would rehearse in a nightgown because that would be what I would perform in". The oral evidence from Student C included that the play in question was set in a hospital and that the character was a patient who would be expected to be in a gown of sorts.

The panel was satisfied on the evidence that Mr Diggle did instruct Student C to prepare to rehearse in a nightgown, but given that this would be the costume in which she would perform, the panel did not find this to be acting in an inappropriate manner.

The panel therefore finds allegation 6.b. to be not proven.

## **7 His actions as described at paragraphs 1 to 5 above were sexually motivated.**

The panel has found this aspect of their determinations to be particularly difficult.

In attempting to ascertain Mr Diggle's motivations, the panel found a number of aspects of his conduct particularly concerning.

In particular, the panel was concerned about the repetition of Mr Diggle's conduct in relation to Student A. It was not satisfied by the reason given by Mr Diggle for the second photo session to be repeated. Moreover, the panel was concerned that Mr Diggle's conduct was at its most inappropriate on the fourth of four occasions. Whilst there was not a linear progression of severity, it was nonetheless clear to the panel that Mr Diggle's conduct had become more inappropriate over time.

The panel also notes the contrast between Mr Diggle's behaviour towards Students A and B. The evidence from Student B was that Mr Diggle brought the session with her to a close after she refused to remove her bra. Student B went on to explain that Mr Diggle asked Student B to go home to obtain a different costume which could work for a further photo session. However, the evidence to the panel was that no such further photo session took place. In contrast to the situation with Student B, Mr Diggle arranged further sessions with Student A after she consented to his request that she remove her bra.

On the other hand, the panel noted the evidence from each of the students that Mr Diggle adopted an unusual teacher-student relationship, which was more informal than normal and relaxed in a way that Mr Diggle would engage in horse play with students and, "banter". The panel does not suggest that such a relationship is appropriate, but it sees this as evidence that Mr Diggle's conduct may not have been sexually motivated, but had come about from a failure to recognise proper boundaries.

The panel also noted that, despite an apparently long history of such a relaxed attitude to students, there has been no previous allegation that Mr Diggle's actions have been sexually motivated. Mr Diggle taught each of Students A, B and C over a number of years, has been in teaching for around 15 years and Student A had minded Mr Diggle's children on a number of occasions, over several years. Despite this, Mr Diggle has not, to the panel's knowledge, acted in a sexual manner towards any of the students to which the allegations relate, or any other students.

The panel accepted that the choice of "Crave" as a challenging play for sixth form students to perform was done to stretch the students, assisting them in their drama A-level and University applications. The panel recognised that in such circumstances there were likely to be difficult questions of appropriate boundaries and that the play was inherently provocative. The panel considered that it was his pedagogical desire to develop the students' abilities in drama and stretch them that motivated Mr Diggle, rather than sexual motivation.

As noted above, the panel found this allegation to be particularly difficult to determine. The panel noted however, that the burden of proof was on the National College and, on the balance of probabilities, the panel could not be satisfied that Mr Diggle's actions as described in allegations 1 to 5 were sexually motivated. The panel therefore finds this allegation to be not proved.

## **Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence**

The panel has gone on to consider whether the allegations that it has found proven amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In considering whether they amount to unacceptable professional conduct, 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 Diggle in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Diggle is in breach of 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;

The panel has also considered whether Mr Diggle has displayed behaviours associated with any of the offences listed on page 8 and 9 of the guidance. The panel has not found any of the facts of the proven allegations to demonstrate such behaviours.

Notwithstanding the absence of behaviours associated with such offences, the panel is satisfied that the facts of the proven allegations demonstrate misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. The panel has reached this conclusion based on its own knowledge and experience of the teaching profession and the breaches of the Teachers’ Standards identified above.

In light of the above, the panel is satisfied that Mr Michael Diggle is guilty of unacceptable professional conduct.

In considering whether Mr Diggle’s conduct also amounts to conduct that may bring the profession into disrepute, the panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

Having considered all of the above, the panel finds that Mr Michael Diggle's actions constitute conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 a number 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.

There is a public interest consideration in respect of the protection of pupils given the finding that Mr Diggle acted in an inappropriate manner towards three pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Diggle were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel also 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 Diggle was outside that which could reasonably be tolerated.

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 Diggle.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Diggle. 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 in this case 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

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's being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

Mr Diggle did have a previously good history. Mr Diggle's written statement to the panel indicated that he had a history of delivering outstanding lessons. The panel has also heard evidence, including evidence from students themselves, that Mr Diggle was trusted, respected and well-liked by them and a number of his other students. The panel saw a written statement from Ms Logan, an Assistant Head and drama teacher at the School, which said that Mr Diggle, "has worked hard to establish a deep, mutual trusting and respectful relationship between the students and the staff ... He is a most supportive and caring head of department and person and I absolutely believe that he would never do anything deliberately to upset or compromise any student or member of staff within it. I also know that Michael is held in the highest regard by the students he teaches who view him with a real warmth and affection."

Notwithstanding this mitigation, the panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Diggle. It should have been obvious to Mr Diggle that, even in the context of preparing students for a challenging play with adult themes, it was inappropriate to instruct Students A and B to remove their bras and to instruct Student A to lower her garment to her waist (albeit with her breasts covered by her arm). This was a significant factor in deciding that the public interest outweighed the interests of Mr Diggle, as was the fact that he acted inappropriately in relation to three students. 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 it to decide to recommend that a review period of the order should be considered. The panel was 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. The panel finds that none of these behaviours was present in this case.

The panel concluded at stage 1 of its deliberations that Mr Diggle's conduct was not sexually motivated. Instead, the panel considered that it was motivated by a pedagogical desire to improve the abilities of students and their prospects when applying for university. The panel concludes that this developed into the inappropriate conduct described above as a result of Mr Diggle's showing a serious failure to comprehend or adhere to proper boundaries; these boundaries apply to drama in exactly the same way as they apply to any other subject taught in schools. In the panel's view, Mr Diggle needs a greater understanding that what makes good drama and what might be appropriate, for example for university students, is not necessarily the same as that which is appropriate for A-level pupils. It will never be appropriate for A-level pupils to be instructed by a teacher to lower their top or remove their bra.

The panel finds that, to date, Mr Diggle has not shown insight into the impact of his actions, particularly on Student A; has not fully accepted that his conduct was wrong; nor shown any intention to correct his attitudes to the proper boundaries between teachers and students.

The only reflection that Mr Diggle appears to have undertaken has led him to a conclusion that other people are largely to blame for his failings, for example the school in failing to provide appropriate training. He had not developed an understanding that as a mature autonomous professional he must take responsibility for his own actions and his own development. The panel does not see why such attitudes cannot be changed by Mr Diggle, if he chooses to do so.

Mr Diggle was dismissed by the School for gross misconduct. The panel has made a finding that he is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel hopes that their findings and recommendation that Mr Diggle be prohibited from teaching provide the impetus for Mr Diggle to look at these attitudes critically. If he does so, he may be able to persuade a future panel that his attitudes have changed and that it is appropriate for any prohibition order to be set aside. Accordingly, the panel considers that the findings indicate a situation in which a review period is appropriate and, as such, decides that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period.

The panel considers that it may be possible for Mr Diggle to develop such insight within two years and accordingly recommends that, once two years have elapsed, Mr Diggle have the ability to apply for the prohibition order to be reviewed.

## Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the panel's findings and recommendations in this case. The panel have found proven a range of allegations relating to Mr Diggle acting in an inappropriate manner towards students. They did not find that Mr Diggle's actions were sexually motivated. The panel has judged that Mr Diggle's actions amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel have properly considered both the interests of the public and those of Mr Diggle. They have found a number of public interest considerations to be relevant in this case namely, the protection of pupils, public confidence in the profession and declaring proper standards of conduct in the profession.

Even though there were behaviours that would indicate a prohibition order being an appropriate sanction, the panel considered the mitigating factors relevant to this case. Mr Diggle had a previous good history. Evidence from students described him as trusted, respected and well liked. A written statement from an assistant head described him as supportive and caring and someone who would never do anything to upset or compromise any student or member of staff.

However, the panel are of the view that in this case the public interest considerations outweigh those of Mr Diggle and that a prohibition order is an appropriate and proportionate sanction. I agree with the recommendation.

With regard to a potential review period, the panel were concerned at the lack of insight and intent to correct his attitudes. However they have judged that a period of two years would be sufficient for Mr Diggle to develop such insight and have recommended that he should be allowed to apply for the order to be set aside after a period of two years have elapsed. I agree with their recommendation.

This means that Mr Michael Diggle 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 6 March 2017, 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 Michael Diggle remains prohibited from teaching indefinitely.

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

Mr Michael Diggle 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: 2 March 2015**

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