



National College for
Teaching & Leadership

Mr Christopher Hird: Professional conduct panel outcome

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

September 2015

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Mr Christopher Hird

Teacher ref number: 8769498

Teacher date of birth: 18 September 1964

NCTL case reference: 11361

Date of determination: 16 September 2015

Former employer: Longcroft High School, East Riding of Yorkshire
South Holderness Technology College, East Riding of Yorkshire

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 14 to 16 September 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Christopher Hird.

The panel members were Mr Keith Jackson-Horner (teacher panellist and chair), Ms Nicole Jackson (lay panellist) and Ms Mary Speakman (teacher panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds LLP.

The presenting officer for the National College was Ms Vivienne Tanchel of 2 Hare Court instructed on behalf of Nabarro LLP.

Mr Christopher Hird was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 29 May 2015.

It was alleged that Mr Christopher Hird was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. Whilst employed by Longcroft High School (“the School”) you failed to maintain appropriate professional boundaries with Pupil A, in that at the School prom in 1998 you:
 - a. Danced with Pupil A;
 - b. Kissed Pupil A.
2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:
 - a. Touched Pupil B inappropriately during a chemistry lesson in Autumn 2000 on one or more occasions, including;
 - i. Whilst pulling a piece of paper from underneath Pupil B, on her bottom and/or on her thigh;
 - ii. On Pupil B’s hair braid;
 - iii. Stroking the side of Pupil B’s face.
 - b. In relation to Pupil C, in around summer 2002 you;
 - i. Engaged in an inappropriate relationship;
 - ii. Had sexual intercourse with Pupil C on one or more occasions.
 - c. Touched Pupil D inappropriately during a chemistry lesson in February 2009 on one or more occasions, including on her bottom.
 - d. Touched Pupil E inappropriately during a chemistry lesson in February 2009 on one or more occasions, including on her breast;
 - e. In relation to Pupil F;
 - i. Between September 2010 and July 2011;
 1. Held Pupil F’s chin;
 2. Wiped pen off Pupil F’s face;

3. Touched and/or stroked Pupil F's face;
4. Touched and/or stroked Pupil F's hair;
- ii. In April 2012 placed your hand in close proximity to Pupil F's crotch;
- iii. In April 2012 touch and/or rubbed Pupil F inappropriately during a chemistry lesson on one or more occasions, including on her;
 - a. Thighs;
 - b. Hips;
 - c. Side.
- f. In relation to Pupil G, on a date unknown, whilst crouching down you said 'I'll try not to grab your leg' or words to that effect.

3. Your actions set out at 1 and 2a, 2b, 2c, 2d and 2e above were sexually motivated.

The above allegations are not admitted.

C. Preliminary applications

Decision to Proceed in the Absence of the Teacher

As Mr Hird was not in attendance, the panel has considered whether this hearing should continue in his absence.

The panel note that the National College served the Notice of Proceedings by first class post on 29 May 2015 (pages 6 – 9 of the hearing bundle). Mr Hird did respond to the Notice of Proceedings on 22 June 2015 (pages 10 – 12) where he clearly indicated that he did not propose to attend the hearing. The panel also note that a copy of the hearing bundle was sent by Registered Post to Mr Hird and he has failed to collect the same from the Post Office.

Having considered the factual evidence before it, the panel is satisfied that the National College has complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct – Disciplinary Procedures for the Regulation of the Teaching Profession (the "Procedures").

The panel has determined to exercise its discretion under paragraph 4.29 of the Procedures and has decided to proceed with the hearing in the absence of the teacher.

The panel understand that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. The panel also understand the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in the teacher attending the hearing. The teacher has also indicated that he does not wish to be legally represented at the hearing (page 10).

In making its decision, the panel note that the teacher may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC 1. As the Notice of Proceedings was sent by first class post on 29 May 2015 indicating that the hearing would take place on 14 – 16 September 2015, Mr Hird has had more than 8 weeks' notice of the hearing date (pages 6 – 9). Indeed, Mr Hird responded to the Notice of Proceedings on 22 June 2015 indicating that he did not propose to attend the hearing nor did he intend to be represented at the hearing (page 10). Mr Hird has however supplied documentary evidence for the panel to consider as part of this hearing. It is apparent to the panel that Mr Hird is aware of these proceedings. The panel therefore consider that Mr Hird has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel had regard to the extent of the disadvantage to Mr Hird in not being able to give his account of events, having regard to the nature of the evidence against him.

The panel has the benefit of the representations made by Mr Hird in his witness statement dated 9 April 2014 and is able to ascertain the lines of defence from that statement. The panel has noted that a number of witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel also note that there are a number of witnesses in attendance at the hearing, who are prepared to give evidence, and that it would be inconvenient and costly for them to return again.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. Furthermore, the panel note the public interest and the interest of witnesses that a hearing should take place within a reasonable time. However, it considers that in light of

the teacher's waiver of his right to appear; by taking such measures referred to above to address any unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

Application to Exclude the Public

The panel considered whether to exercise its discretion under paragraph 11 of the Regulations and paragraph 4.57 of the Procedures to exclude the public from all or part of the hearing. This follows a request by the teacher in his response to the notice of Proceedings (pages 10 – 12) that the hearing should be in private.

The panel has determined not to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel note that Mr Hird has failed to provide any reasons as to why the hearing should proceed in private. The panel also note that a significant portion of the evidence to be presented in this hearing has been heard in public in the criminal proceedings. The panel has sought to balance the potential reasons why the teacher has requested that the public be excluded against the competing reasons for which a public hearing is required.

The panel note that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel has therefore, considered whether there are any steps short of excluding the public that would be appropriate, and the panel can consider at any stage during the hearing to exclude the public from that portion of the hearing only, if it becomes relevant to do so.

Admit Hearsay Evidence

The Presenting Officer made an application to admit as hearsay the witness statements of Pupil A, Pupil C and Pupil F, and to classify as hearsay the evidence of Pupils B, D, E and G, none of whom were available to give evidence in these proceedings.

The panel considered the central question of whether it would be fair in the circumstances to allow the evidence to be put forward without the opportunity for the witnesses to be cross-examined or their evidence tested. The panel also note the legal advice provided and in particular the relevant factors as outlined in the judgment of R (Bonhoeffer) v GMC [2011].

The panel had regard to the detailed submissions made by the Presenting Officer, outlining the efforts made to secure the attendance of the witnesses and the reasons provided for non-attendance. In particular, the panel note:

Pupil A was now living in Europe and did not wish to attend the hearing, despite being offered the opportunity to provide evidence via telephone or video-link.

Pupil B provided a statement, but when the National College sought to contact her they were unable to establish contact, as she was no longer living at the address and they did not have another contact address.

Pupil C did not wish to be called as a witness and have to relive the incident, she was now self-employed and unable to take time off work. Furthermore, the appearance at the hearing had caused her considerable stress and anxiety. Pupil C presented medical evidence to this effect.

Pupil F provided a witness statement. However, the thought of appearing at the hearing had caused her significant anxiety and stress. The panel note medical evidence was not supplied.

Pupils D, E and G had failed to respond to the letters sent by the Presenting Officer's instructing firm seeking to obtain evidence.

The panel note that Pupils A, B, C, and F have confirmed that they still wish their witness statement be considered as evidence in this hearing.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance.

However, it considers that by taking such measures as being advised as to the dangers of reliance on hearsay evidence, the approach they ought to take in attributing weight to such evidence, and noting that Mr Hird will also have an opportunity to appeal the decision of this panel; that on balance, these are serious allegations and in the interests of fairness it has determined to admit this evidence as hearsay evidence.

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	Pages 2 to 4
Section 2:	Notice of Proceedings and Response	Pages 6 to 12
Section 3:	NCTL Witness Statements	Pages 14 to 47

Section 4: NCTL Documents Pages 50 to 322

Section 5: Teacher Documents Pages 324 to 350

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

Witnesses

The panel heard oral evidence from:

Witness H HR Officer Witness for National College

Witness I Inclusion and Access Manager Witness for National College

E. Decision and reasons

The panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Mr Christopher Hird was employed at Longcroft High School between June 1997 and August 1998, where the incident involving Pupil A is alleged to have taken place.

Between August 1998 and August 1999 Mr Hird held various teaching positions, but left teaching between September 1999 and May 2000. However, in May 2000, Mr Hird began employment at South Holderness Technology College, as a teacher.

In 2000, the incidents involving Pupil B are alleged to have taken place. In or around May 2002, Mr Hird and Pupil C are alleged to have begun their relationship. In February 2009, the incidents involving Pupils D and E are alleged to have taken place.

Between September 2010 and April 2012, the incidents involving Pupil F are alleged to have taken place. The mother of Pupil F contacted the head teacher on 19 April 2012 to report the inappropriate behaviour of Mr Hird.

The matter was referred to the LADO on 20 April 2012 further to an interview between the head teacher, Pupil F and her mother.

A police investigation was undertaken between 3 May 2012 and April 2013, which resulted in a criminal trial. Mr Hird was found not guilty at Hull Crown Court on 10 June 2013.

The school disciplinary investigation was undertaken between 10 July 2013 and 16 September 2013. On 16 October 2013 the disciplinary hearing took place.

Findings of fact

Our findings of fact are as follows:

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

1. Whilst employed by Longcroft High School (“the School”) you failed to maintain appropriate professional boundaries with Pupil A, in that at the School prom in 1998 you:

a. Danced with Pupil A;

It is accepted by Mr Hird that he did dance with Pupil A (page 325), a matter which is confirmed by Mr Hird during the independent disciplinary investigation in 2013 when the allegations are first put to him (page 21). This evidence was accepted by the panel. The panel’s view is that in view of the pupil/teacher relationship, the nature of the dance and the timing of the dance, Mr Hird failed to maintain appropriate professional boundaries. Therefore, the panel finds this allegation proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

a. Touched Pupil B inappropriately during a chemistry lesson in autumn 2000 on one or more occasions, including;

ii. On Pupil B’s hair braid;

iii. Stroking the side of Pupil B’s face.

Mr Hird denies these allegations. In his written evidence to this panel, Mr Hird stated “I cannot recall teaching [Pupil B] ... Whether I taught her or not I refute any allegations of inappropriate behaviour towards her” (page 325). The panel notes that Mr Hird voluntarily attended a police interview on 11 October 2011. During this interview Mr Hird denied the allegations stating he did not recall the incident and stating “I don’t ever remember doing anything like that in my whole teaching career” (pages 225 – 227).

The panel notes the written statement of Pupil B provided to the police on 26 September 2012, which outlines the incident underlying the allegations in great detail. The panel notes that this statement contains the following statement of truth, which Pupil B has signed “This statement ... is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true”. Her version of

events is corroborated by the written evidence of another pupil, who was in the same class as Pupil B and who had a “clear memory” of the incident (pages 77 – 80). Again, the panel notes that this evidence was provided to the police on 19 October 2012 and that the pupil signed the statement of truth, as outlined above. The pupil does note that “I could not see over the bench ... but ... he put his hand on [Pupil B’s] knee and thigh ... [Mr Hird] brought his hand back it passed [Pupil B’s] face and cheek” (pages 78 – 79).

Pupil B explains that she only came forward with the evidence having seen an article about the criminal trial and allegations against Mr Hird and conscious that a close family member had children attending the school (pages 70 – 71). Mr Hird hypothesised that a potential motive may be to obtain “compensation” (pages 227 – 228).

However, despite this, the panel notes the written evidence of Pupil B and the corroborative evidence of another witness, which supports the contention that the events are more likely than not to have occurred. The panel considers that touching a hair braid and stroking a pupil’s face is inappropriate. Therefore, the panel finds that Mr Hird’s actions in the context amount to a failure to maintain appropriate professional boundaries, as it involves an invasion of personal space and could be deemed intimate. The evidence, combined with the lack of any credible explanation as to motive, leads the panel to find that this allegation is proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

b. In relation to Pupil C, in around summer 2002 you;

i. Engaged in an inappropriate relationship;

ii. Had sexual intercourse with Pupil C on one or more occasions.

In her written evidence, Pupil C recalls that she attended chemistry lessons taught by Mr Hird, as she had failed her AS Level examination and was seeking to resit the paper in June 2002. She recounts that in March 2002, Mr Hird “caved in and provided [Pupil C] with his personal e-mail address” after persistent requests from Pupil C (page 40). Pupil C states that on 23 May 2002, she asked Mr Hird how they would stay in touch as she was beginning her study leave and “I would not see him anymore”. She recalls that Mr Hird responded “it doesn’t have to be like that” whilst patting her knee (page 41). They then exchanged personal mobile numbers and a few days later they arranged to go out during which they “stopped somewhere to kiss passionately” (page 41). Pupil C goes onto describe how the relationship developed with Mr Hird and some “3 to 4 months later, in August/September 2002, things got more serious sexually” (page 41). It was around this time that they engaged in sexual intercourse. They went onto have a relationship which lasted until April 2004. The panel notes that this version of events is consistent

with the responses to the questions provided to the independent disciplinary investigation undertaken (page 235).

The panel notes that Pupil C was unable to provide live evidence in this hearing due to medical reasons referenced in the preliminary application outlined previously. However, the panel has admitted her written evidence as hearsay evidence.

Mr Hird accepts in his written statement that he had a relationship with Pupil C. This was also confirmed by Mr Hird in his second disciplinary interview which he attended on 22 August 2013 (page 268). However, he contends that the “relationship did not begin before she ceased being a student”. He believes that the dates referenced by Pupil C are “related to when emails were first exchanged”. He states “my relationship with [Pupil C] started when she was 18 years old” (page 325). In the second disciplinary interview which he attended on 22 August 2013, Mr Hird said that he “never taught her”. However, the panel notes that on page 39 Pupil C confirms that the College had sanctioned her attendance at his classes for the purposes of retaking the AS Level qualification. He affirms that they started “going out” in August 2002 (page 269). He does confirm that he did begin communicating with Pupil C when she went on study leave (page 325).

Witness H, in her written evidence, stated that “the College confirmed that Pupil C would still have been a pupil until August 2002 because she was still on the College’s register” (page 35). However, in her oral testimony, Witness H stated that Pupil C would have remained on the roll until her last exam.

The panel concludes that it is more likely than not that Mr Hird and Pupil C began their inappropriate relationship when Pupil C went on study leave but prior to her taking her final exam. Therefore, Pupil C was still a student enrolled at the College. The panel considers that this is therefore a failure to maintain appropriate professional boundaries.

Furthermore, the panel believes that it was more likely than not that Mr Hird and Pupil C engaged in sexual intercourse in around summer 2002. The panel takes this opportunity to state that the sexual intercourse in August/September 2002 is not in itself unlawful, as it notes that it took place when Pupil C was no longer on the roll at the College and over the age of 18. However, regardless of this, in their professional opinion, the panel believes that Mr Hird, by engaging in sexual intercourse with Pupil C, failed to maintain appropriate professional boundaries, as the foundations of the relationship were initiated whilst she was still a pupil at the College.

Therefore, the panel finds this allegation proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

e. In relation to Pupil F;

iii. In April 2012 touch and/or rubbed Pupil F inappropriately during a chemistry lesson on one or more occasions, including on her;

a. Thighs;

Mr Hird denies this allegation. He recounts in his written evidence that “I had to lean over [Pupil F] due to the unusual way she was sat but I didn’t make any contact with her knowingly” (page 324). In his interview with the police on 17 May 2012, Mr Hird states that “there was no contact whatsoever” (page 196). Mr Hird further elaborates on the situation, recalling that Pupil F was sitting in an unusual manner (page 202) and later in the same interview he categorically denies touching Pupil F’s thighs (page 207).

Despite this, the panel notes Pupil F’s written evidence (pages 45 – 47). Her version of events is consistent with her recollection during the incident outlined during the initial report to the College (pages 63 – 64), and to the police on 27 April 2012 (pages 98 – 101 & 119 - 121). This was further corroborated through the evidence of other pupils obtained by the police, some of whom witnessed it directly (pages 156 - 163) and some of whom recounted the incident as relayed to them by Pupil F (pages 144 – 145). The panel notes that the evidence supplied to the police was provided shortly after the incident is alleged to have taken place. One witness states that the lesson, where the incident took place was “a week ago on Thursday” (page 156). Finally, the panel notes that Pupil F’s version of events is further corroborated by her mother and grandfather, to whom she relayed the incident shortly after its occurrence (page 170 – 171 & 180 - 184).

The panel notes the written evidence of another student who stated that, following the incident, Pupil F said that “she was going to get him done” (page 65). However, the panel acknowledges Pupil F’s response, which was provided by way of a statement to the police in which she stated “I never said I was going to get him [Mr Hird] done”. She goes on to explain that “I didn’t want to appear as though I was complaining and causing trouble” (page 140).

The panel considers that the evidence adduced by Pupil F, taken together with the other witness evidence obtained, supports the contention that the events are more likely than not to have occurred. The panel finds, on the balance of probabilities, that this incident occurred and Mr Hird failed to maintain appropriate professional boundaries. Therefore, this allegation has been proven.

3. Your actions set out at 1 and 2a, 2b, 2c, 2d and 2e above were sexually motivated.

In relation to allegation 1a, the panel considered the two stage test for sexual motivation. Firstly, whether the actions could be viewed by a reasonable person as sexual. The panel considered that a reasonable person could consider slow dancing with a pupil at the end of the evening at a school prom to be sexual. Therefore, the panel finds that the first limb of the test is satisfied. Turning to the second limb, whether in all the circumstances of the conduct in the case, Mr Hird's purpose of such actions was sexual. The panel was satisfied that other teachers were dancing with pupils and accepts Mr Hird's evidence that he only danced with Pupil A "having been asked to by two of her friends" (page 325). Therefore, the panel believes that his intention behind the dance was not sexual. This part of the allegation is not proven.

In relation to allegation 2a(ii) & (iii), the panel considered the two stage test. Firstly, whether the actions could be sexual. The panel believes that a reasonable person, would consider these actions could be sexual. Therefore, the panel find that the first limb of the test has been satisfied. Turning to the second limb, whether in all the circumstances of the conduct in the case, Mr Hird's purpose of such actions was sexual. The panel was satisfied, in the absence of any reasonable explanation, that Mr Hird's intention behind these actions was indeed sexual. Therefore, the panel finds this part of the allegation proven.

Turning to the proven elements of allegations 2b, the panel considered that a reasonable person would regard engaging in an inappropriate relationship and engaging in sexual intercourse with a pupil as sexual. Therefore, the panel finds that the first limb of the test has been satisfied. Turning to the second limb, whether in all the circumstances of the conduct of the case, Mr Hird's purpose of such words and actions was sexual. The panel was satisfied, as a result of the proven facts, that Mr Hird's intention behind these words and actions was sexual.

Finally, in respect of the proven elements of allegations 2e, namely allegation 2e(iii)(a), the panel considered the two stage test for sexual motivation. Firstly, whether the actions could be sexual. The panel considers that a reasonable person, would consider these actions could be sexual. Therefore, the panel finds that the first limb of the test has been satisfied. Turning to the second limb, whether in all the circumstances of the conduct in the case, Mr Hird's purpose of such actions was sexual. The panel was satisfied, that the repeated nature of the actions, which were not accidental, together with the lack of a credible alternative explanation, leads the panel to conclude that Mr Hird's intention behind these actions was sexual.

We have found the following particulars of the allegations against you not proven, for these reasons:

1. Whilst employed by Longcroft High School (“the School”) you failed to maintain appropriate professional boundaries with Pupil A, in that at the School prom in 1998 you:

b. Kissed Pupil A.

This allegation is denied by Mr Hird. It is accepted by both Mr Hird and Pupil A that they did dance. However, Mr Hird states “following the dance she kissed me” (page 325). The panel notes the record of the second investigatory interview with Mr Hird that took place on 22 August 2013 records Mr Hird as confirming that he did attend the 1998 summer prom and he recalled “at the end there was (sic), she went to kiss me and I pulled away. And I shook my head and said no” (page 263). Mr Hird recounts that “the Head did ask to see me about it because one of her friends took a photo ... [The Head] said it was stupid and I said yeah it was stupid. It was a situation that should never have arisen” (pages 263 and 265).

However, Pupil A, both in her witness statement in these proceedings and the response to the disciplinary investigation undertaken in 2013, states that Mr Hird kissed her. However, the panel notes the inconsistent statements provided by Pupil A. In her initial response to Witness H on 22 August 2013, she recalls that “I can remember that Mr Hird tried kissing me” (pages 232 – 233). Pupil A proceeds to state in her response to the questions raised by Witness H, that she cannot recall the kiss (page 234). Pupil A was, however, clear in her evidence that “I was kissed by Mr Hird on the lips” (page 37). The panel notes that Pupil A was unable to provide live evidence to the panel and her written statement was admitted as hearsay evidence.

The panel notes that the details of this allegation are considered elsewhere in the hearing bundle. The disciplinary investigation undertaken in 2013, notes that both Witness I (the investigating officer) and Witness H confirmed that they had obtained evidence from teachers at the School that Mr Hird had “been witnessed dancing with and kissing a pupil during the School’s 1998 prom” (pages 21 and 33 - 34). However, it was clarified that the teachers interviewed had not witnessed the incident themselves or seen the alleged video footage of the kiss (pages 23 – 24).

The panel notes it has not had an opportunity to test the evidence of Mr Hird or Pupil A. Furthermore, the panel notes it was not provided with the alleged video footage nor was it provided with direct evidence from any individual who viewed the alleged video footage. It does, however, take account of the multiple accounts and recollections of the kiss presented to them, albeit this is hearsay evidence. The panel notes that no further internal investigation was instigated by the School at the time of the event. The panel also notes that the events took place many years ago and they note the legal advice provided in this regard.

The panel accepts that a kiss did take place. However, it is unclear from the evidence presented whether Mr Hird or Pupil A initiated the kiss. Therefore, on this basis the panel

cannot determine that Mr Hird failed to maintain appropriate professional boundaries. The panel finds that on the balance of probabilities this allegation has not been proven and the National College has failed to meet the burden of proof.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

a. Touched Pupil B inappropriately during a chemistry lesson in Autumn 2000 on one or more occasions, including;

i. Whilst pulling a piece of paper from underneath Pupil B, on her bottom and/or on her thigh;

Mr Hird denies this allegation. In his written evidence, he does not recall teaching Pupil B and “refutes any allegations of inappropriate behaviour towards her” (page 325).

The panel notes the written evidence of Pupil B and the corroborative evidence provided by another pupil.

On the balance of probabilities, the panel believes that the incident did occur. However, whilst inadvisable, the panel does not consider that pulling a piece of paper from underneath Pupil B amounts to a failure to maintain appropriate professional boundaries. Therefore, the panel finds this allegation not proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

c. Touched Pupil D inappropriately during a chemistry lesson in February 2009 on one or more occasions, including on her bottom.

The panel notes the written statement of Pupil D dated 10 February 2009 (pages 50 – 51) provided to the College shortly following the alleged incident. The panel notes that it was unable to test the evidence of Pupil D. However, the panel has admitted her documentary evidence as hearsay evidence.

These allegations are denied by Mr Hird. In his written statement, he states “I was not aware of any contact and if any was made it was accidental” (page 324). This is consistent with the account presented by Mr Hird during the school investigation which took place following the allegations (pages 52 – 54). Whilst at the time there were other pupils who are said to have witnessed the incident, the panel notes that any such evidence has not been presented in the course of this hearing. The panel also acknowledges that the investigation conducted at the time was unable to substantiate the allegations.

Despite this, the panel notes that Pupil E reports that Pupil D was “so upset by what had happened and that the school did nothing about it that she actually left the school” (page 86). However, the panel notes that this is multiple hearsay evidence and not direct evidence from Pupil D herself. Accordingly, it has attached the appropriate weight to this evidence.

The panel has no reason to disbelieve that Pupil D came forward in good faith. Indeed, it notes that the head teacher, commented that Pupil D was “mature, hard-working ... not likely [the] sort of characters (sic) who ... attempted to make things up” (page 279) . However, the panel notes that it was unable to test the evidence of Pupil D and finds that there is insufficient evidence to conclude that, on the balance of probabilities, this incident took place.

In light of the above, the panel finds this allegation not proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

d. Touched Pupil E inappropriately during a chemistry lesson in February 2009 on one or more occasions, including on her breast;

Pupil E describes the underlying facts giving rise to these allegations in her statement to the police dated 6 August 2012 (pages 82 – 86). The panel notes that it was unable to test the evidence of Pupil E. However, the panel has admitted her documentary evidence as hearsay evidence. The panel notes that Pupil E states that when the incident occurred, Pupil D was sitting to her right. Pupil D makes no reference to this incident in her statement.

Mr Hird denies these allegations. In his written evidence, Mr Hird says “I was never aware of any contact, and if any was made it was accidental. [Pupil E] accepted in open court that it could have been accident”. He reiterates that “I deny that anything inappropriate took place” (page 324). Indeed, in the investigatory interview on 10 February 2009, Mr Hird states “that he had no knowledge of the alleged touch” (page 53). Whilst at the time there was another pupil who was said to have witnessed the incident, the panel notes that the witness was not spoken to (page 53). The panel notes that the College’s investigation was unable to substantiate these allegations.

The panel has no reason to disbelieve that Pupil E came forward in good faith. Indeed, it notes that Mr Hird described the pupil as “pleasant and enthusiastic” (page 54). However, the panel notes that it was unable to test the evidence of Pupil E and finds that there is insufficient evidence to conclude that, on the balance of probabilities, that this incident took place as described.

In light of the above, the panel finds this allegation not proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

e. In relation to Pupil F;

i. Between September 2010 and July 2011;

1. Held Pupil F’s chin;

2. Wiped pen off Pupil F’s face;

3. Touched and/or stroked Pupil F’s face;

4. Touched and/or stroked Pupil F’s hair;

Mr Hird accepts that he did wipe “a substance from [Pupil F’s] face”. However, he explains that he only took such action after “she and her friends had an opportunity to wipe it” (page 324). The panel notes the written evidence of Pupil F which is supported by the evidence provided when she initially reported the incident on 19 April 2012 (page 63) and the police interview on 27 April 2012 (pages 98 – 99). Her recollection of events is supported by the evidence of other pupils (pages 144 – 145 & 186 - 187) and Pupil F’s mother (page 169).

In assessing the evidence as a whole, the panel finds that this incident did take place. However, the panel notes Mr Hird’s explanation that he wiped the substance off the face due to health and safety reasons as he “considered the disruptive behaviour of flicking something around in a science laboratory” and it was these “considerations [which] resulted in my intervention being necessary to fulfil a duty of care and it was wholly appropriate in the circumstances” (page 324).

The panel accepts that Mr Hird acted spontaneously in response to the disruption caused by the incident and therefore reacted quickly to an occurrence in order to maintain discipline and order. On the balance of probabilities, the panel considers that Mr Hird, using his professional judgement, found it necessary in the circumstances to initiate this contact with Pupil F. The panel does not consider this physical contact to be inappropriate, although it could have been handled in another way. Therefore, the panel does not consider that Mr Hird’s actions resulted in his failing to maintain appropriate professional boundaries. The panel does not find this allegation proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

e. In relation to Pupil F;

ii. In April 2012 placed your hand in close proximity to Pupil F’s crotch;

Mr Hird denies this allegation, stating that “I had to lean over her due to the unusual way she sat but didn’t make any contact with her knowingly” (page 324).

The panel notes the written evidence of Pupil F together with the documentation supplied arising from the various investigations and inquiries. The panel notes that Pupil F’s evidence regarding this incident is not clear and there are several inconsistencies in how the incident is alleged to have occurred. Furthermore, the panel notes that there appears to be no corroborative evidence which supports her version of events. The panel explored both the lack of clarity and direct corroborative evidence at considerable length but, on the balance of probabilities, has found that the incident, in the specific terms described by Pupil F, did not occur. Therefore, the allegation is not proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

e. In relation to Pupil F;

iii. In April 2012 touch and/or rubbed Pupil F inappropriately during a chemistry lesson on one or more occasions, including on her;

b. Hips;

c. Side.

Mr Hird denies these allegations (page 324). The panel notes Pupil F’s written evidence (page 46). It also notes her recollection of events, as relayed to the head teacher on 19 April 2012 and, in particular, the omission regarding the hips (pages 63 – 64). In her statement to the police, Pupil F appears to be confused as to where Mr Hird was touching her and when this occurred (pages 96 - 132).

The panel notes that the other pupils who were present at the time of the incident do not make reference to these actions within their statements.

Despite finding allegation 2e(iii)(a) proven, the panel finds that there is a lack of clarity surrounding these two allegations. Therefore, on the balance of probabilities, the panel does not find these allegations proven.

2. Whilst employed by South Holderness Technology College (“the College”), as Head of Science, you failed to maintain appropriate professional boundaries, in that you:

f. In relation to Pupil G, on a date unknown, whilst crouching down you said ‘I’ll try not to grab your leg’ or words to that effect.

The allegation is denied by Mr Hird. The panel notes that Mr Hird does not address this allegation in his written statement dated 9 April 2014. However, it notes that at the beginning Mr Hird states that he “refutes all allegations against him” (pages 234 – 235). The panel also notes that in the disciplinary investigation, when these allegations were put to Mr Hird, he stated that he could not recall the incident, but he hypothesised that if he did do that, it would have been as a joke (pages 19 & 255). Mr Hird goes on to state “I just find it absolutely unbelievable that a pen has been dropped and you make a quip that I’ll try not to grab your leg, I didn’t, grab her leg ... I picked up the pen as I would do and I walked away” (page 255).

The panel refers to the police statement of Pupil G dated 23 November 2012. The panel notes that the pupil was able to recall the incident with considerable clarity and provide further details surrounding the incident (pages 190 – 192).

The panel notes, that in his evidence, the head teacher at the College, recounts that Pupil G was a “genuinely good pupil”. He went on to describe her as “reliable, mature, hardworking” and confirmed she had not previously been in trouble (page 22).

The panel finds that the incident did occur based upon the evidence. However, the panel does not consider that the incident in itself amounts to a failure to maintain appropriate professional boundaries. Therefore, on the balance of probabilities, the panel finds this allegation not proven.

3. Your actions set out at 1 and 2a, 2b, 2c, 2d and 2e above were sexually motivated.

The panel did not consider allegations 1b, 2a(i), 2c, or 2d as they did not find these allegations proven on the facts.

The panel did not consider the elements of allegation 2e, which it did not find proven on the facts.

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

Having found the facts of allegations 1a, 2a(ii) and (iii), 2b(i) and (ii), and 2e(iii)(a) proven, and in view of the proven elements of allegation 3, the panel further finds that your actions amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document entitled the Teacher Misconduct: The Prohibition of Teachers, which we refer to as “the Advice”.

The panel is satisfied that the conduct of Mr Hird in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Hird 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; and
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

The panel is satisfied that the conduct of Mr Hird fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Hird’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel found that the offence of sexual activity is relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

Accordingly, the panel is satisfied that Mr Hird is guilty of unacceptable professional conduct.

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.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Hird’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 Advice 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.

In light of the panel's findings against Mr Hird, which involved dancing with a pupil, engaging in an inappropriate relationship with another pupil culminating in sexual intercourse and inappropriate physical contact with other pupils, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with pupils. Similarly, the panel considers that the public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hird were not treated with the utmost seriousness when regulating the conduct of the profession. In particular, the panel noted that the underlying facts giving rise to the allegations proven were not isolated incidents. The panel are conscious that the proven allegations involved a number of pupils and multiple incidents which occurred over a period of many years.

In view of the above, the panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Hird 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 Hird.

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 Hird. The panel took further account of the Advice, 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;

The panel has found that Mr Hird's conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards, as the panel has previously detailed.

- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;

The panel considered that Mr Hird's conduct seriously affected the well-being of pupils. As noted above, the underlying incidents giving rise to the allegations were not isolated and involved a number of pupils and events over a period of several years. This led the panel to conclude there is a continuing risk.

- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

The panel considered the Mr Hird's conduct involved an abuse of his position or trust and his conduct as detailed in the proven elements of the allegations involved a violation of the rights of pupils.

- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

The panel considered allegations 2a(ii) and (iii), 2b(i) and (ii) and 2e(iii)(a) were sexually motivated. In particular, allegation 2b led to a relationship during which Mr Hird had sexual intercourse with Pupil C.

Notwithstanding the 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 Hird. Given the serious failings outlined above, the panel considered that prohibition was a proportionate measure.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. In particular:

- There was no evidence to suggest that Mr Hird was acting under duress, and in fact the panel found that his actions were deliberate and motivated.
- The panel has seen evidence that shows Mr Hird was previously counselled on three separate occasions in respect of his behaviour. They note that he is an experienced teacher who has been teaching since 1988.

- The panel also noted the evidence before it that Mr Hird is of good character and drew upon the testimonies provided in the hearing bundle from numerous individuals at pages 326 – 350.

In light of the above, 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 Hird. Mr Hird's abuse of his position of trust and the impact of his conduct on the welfare of the pupils were significant factors in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice states 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Mr Hird has been responsible for inappropriately touching pupils, namely Pupils B and F and also for having an inappropriate relationship with Pupil C.

Mr Hird has, however, denied the allegations raised, and the panel notes he has not demonstrated any insight or presented any evidence of remediation into his inappropriate conduct or the impact thereof on the pupils.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without a provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to the findings and recommendations of the panel in this case. The panel has found a number of allegations proven and has judged that the proven facts amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has found that Mr Hird's conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards. It has considered that Mr Hird's conduct seriously affected the well-being of pupils. The underlying incidents giving rise to the allegations were not isolated and involved a

number of pupils and events over a period of several years. Mr Hird's conduct involved an abuse of his position or trust and his conduct involved a violation of the rights of pupils. In addition some of Mr Hird's actions were sexually motivated.

The panel has found a number of public interest considerations 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. It has gone on to consider the interests of Mr Hird but the panel is clear that he was not acting under duress and his actions were both deliberate and motivated.

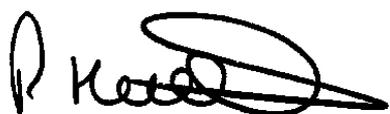
I agree with the panel's recommendation that prohibition is an appropriate and proportionate sanction.

Mr Hird's behaviour continued over a considerable period of time and involved a number of different pupils. Mr Hird continued to deny the allegations throughout and has shown no insight into his behaviours and their effect on others. In the circumstances I agree that the prohibition order should be without an opportunity to apply to have it set aside after a future date.

This means that Mr Christopher Hird 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 Christopher Hird 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 Christopher Hird 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, stylized flourish at the end.

Decision maker: Paul Heathcote

Date: 18 September 2015

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