



National College for
Teaching & Leadership

Mr Christopher Perry: Professional conduct panel meeting outcome

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

October 2017

Contents

A. Introduction	3
B. Allegations	4
C. Summary of evidence	4
Documents	4
Statement of agreed facts	5
D. Decision and reasons	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	8

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

Teacher: Mr Christopher Perry

Teacher ref number:

Teacher date of birth:

NCTL case reference: 16044

Date of determination: 20 October 2017

Former employer: St Francis School, Walsall

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 20 October 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Christopher Perry.

The panel members were Mr Steve Woodhouse (teacher panellist – in the chair), Ms Susan Iannantuoni (lay panellist) and Mr Paul Bompas (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

In advance of the meeting, the National College agreed to a request from Mr Christopher Perry that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Christopher Perry provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Christopher Perry or his representative.

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobson solicitors.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 4 October 2017.

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

1. He used school equipment in or around October and November 2016 including but not limited to:

a. E-mails of a sexual nature to one or more members of the public including words to the effect of:

i. I like a good book, good film, watch the cricket, do something romantic, make love;

ii. I have always wanted to see you standing naked full length in a mirror with your beautiful hair flowing off your shoulders, smiling at me;

iii. I require you to be dressed as a school girl with white knickers;

iv. You will kneel in the corner of the room, facing the wall while I set up my laptop;

v. You will be required to perform acts upon me live on Omegle;

vi. The pictures stay on my laptop under a secure password, encrypted so no-one can get them baby. They are for me eyes only;

2. Following a direct management instruction on 14 November 2016 that he should stop sending personal e-mails from school equipment, including a message of sexual nature.

Mr Perry admitted the facts in full by way of signed agreed statement of facts dated 10 July 2017. He further accepted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications.

C. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Referral response and Notice of Meeting – pages 4 to 10a

Section 3: Statement of Agreed Facts and presenting officer representations– pages 12 to 17

Section 4: NCTL documents – pages 19 to 56

Section 5: Teacher documents – pages 58 to 61.

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Christopher Perry on 10 July 2017.

D. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

In advance of the meeting, the National College agreed to a request from Mr Christopher Perry that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case.

In this case the teacher used school IT equipment to communicate with persons unconnected to the school by way of e-mails of a sexual nature. This continued despite a management instruction for it to stop.

Findings of fact

Our findings of fact are as follows:

The panel has found all of the particulars of the allegations against you proven, for these reasons:

- 1. You used school equipment in or around October and November 2016 including but not limited to:**

a. E-mails of a sexual nature to one or more members of the public including words to the effect of:

i. I like a good book, good film, watch the cricket, do something romantic, make love;

ii. I have always wanted to see you standing naked full length in a mirror with your beautiful hair flowing off your shoulders, smiling at me;

iii. I require you to be dressed as a school girl with white knickers;

iv. You will kneel in the corner of the room, facing the wall while I set up my laptop;

v. You will be required to perform acts upon me live on Omegle;

vi. The pictures stay on my laptop under a secure password, encrypted so no-one can get them baby. They are for me eyes only;

2. Following a direct management instruction on 14 November 2016 that you should stop sending personal e-mails from school equipment, including a message of sexual nature.

The facts were admitted in full by Mr Christopher Perry by way of the signed statement of facts dated 10 July 2017. The panel considered all of the evidence and that statement of facts carefully and have concluded that the admissions are unequivocal and full in response to the allegations brought against Mr Perry. The content of the agreed statement of facts is accepted in its entirety.

It is particularly noted that Mr Perry accepts that he did not follow management instruction to cease sending personal emails from school equipment although it was not clear to the panel which messages were sent after that instruction was given. It is though admitted (and accepted by the panel) that one message of a sexual nature was sent after the relevant management instruction had been given.

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

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Christopher Perry in relation to the facts found proven, involved breaches of the Teachers’ Standards. Mr Perry has failed to act

with integrity and has failed to demonstrate consistently high standards of personal and professional conduct. The panel considers that by reference to Part Two, Mr Perry has acted in breach of the following standards:

- That teachers should uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- That teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- That teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Christopher Perry amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

The panel went on to consider whether Mr Perry's actions constitute 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.

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 Perry'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.

After careful consideration the panel has concluded that Mr Perry's conduct was not so serious as to justify prohibition from the profession.

The panel considered that there was a strong public interest consideration in retaining the teacher in the profession, particularly given that no doubt has been cast upon his abilities as an educator or his ability to make a valuable contribution to the profession and his previous good history. He has fully accepted responsibility for his poor judgment and has shown genuine remorse for his actions.

The panel considered carefully whether or not it would be proportionate to impose a prohibition order.

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 Perry. 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. Although the panel considered the breaches of the Standards to be serious it did not consider Mr Perry's behaviour to be incompatible with him continuing to be a teacher.

Mr Perry's conduct did not seriously affect the education or well-being of pupils, did not involve any serious abuse of position or trust and did not involve sexual misconduct or any criminal behaviour.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is a proportionate and appropriate response. Given that the nature and severity of the behaviour is at the less serious end of the possible spectrum and in light of Mr Perry's good history, the panel has determined that a recommendation for a prohibition order will not be appropriate in this case. The panel considers that the publication of the adverse findings it has made is sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of

State that Mr Perry should not be the subject of a prohibition order, but that the publication of the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute is proportionate.

In particular the panel has found that Mr Perry is in breach of the following standards:

- That teachers should uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- That teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- That teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Perry fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Perry, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “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.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as

being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Perry himself. The panel has referred to his good history.

A prohibition order would prevent Mr Perry from teaching and deprive the public of his contribution to the profession for the period that it is in force.

For these reasons I have concluded that a published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute is proportionate and in the public interest.

I consider therefore that a published finding is proportionate to satisfy the maintenance of public confidence in the profession.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 27 October 2017

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