



National College for
Teaching & Leadership

Stephen Pieter Grobbelaar: Professional Conduct Panel outcome

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

September 2014

Contents

A. Introduction	3
B. Allegations	3 - 4
C. Preliminary applications	4
D. Summary of evidence	4
Documents	4
Statement of Agreed Facts	4
E. Decision and reasons	5 - 7
Panel's recommendation to the Secretary of State	7 - 8
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 Stephen Pieter Grobbelaar
Teacher ref no:	91/07508
Teacher date of birth:	29 September 1961
NCTL Case ref no:	11108
Date of Determination:	18 September 2014
Former employer:	West Sussex

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 18 September 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Stephen Pieter Grobbelaar.

The Panel members were Janet Draper (Lay Panellist– in the Chair), Ian Hughes (Lay Panellist) and Peter Cooper (Teacher Panellist).

The Legal Adviser to the Panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The meeting took place in private save that the panel’s decisions as to facts and unacceptable professional conduct / conduct that may bring the profession into disrepute, were announced in public and recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 3 April 2014.

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

Whilst working at Grey High School, Port Elizabeth, South Africa:

- 1. In or around October 1987:**
 - (a) he hypnotised Pupil A**

- (b) whilst Pupil A was under hypnosis, he :**
 - (i) removed Pupil A's tracksuit bottoms**
 - (ii) performed oral sex on Pupil A**
 - (ii) rubbed his bare penis against Pupil A's buttocks**

2. His actions as described in paragraph 1 above were sexually motivated.

Mr Grobbelaar admitted the alleged facts and that they amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

None

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 at pages 1 to 3

Section 2 : Notice of Referral, Response and Notice of Meeting at pages 4 to 9b

Section 3 : Statement of Agreed Facts and Presenting Officer Representations at pages 10 to 16

Section 4 : NCTL witness statement at pages 17 to 26

Section 5 : NCTL documents at pages 27 to 71

Section 6 : Teacher documents at pages 72 to 92.

Statement of Agreed Facts

The Panel was presented with a Statement of Agreed Facts signed by Mr Grobbelaar on 25 July 2014.

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.

Between 1987 and 1990 Mr Grobbelaar was an English teacher at Grey High School, Port Elizabeth, South Africa. During some of this period he held the roles of guidance counsellor and master in charge of the school farm. The farm was used for sport and leadership activities. On occasions when he was in charge of the farm Mr Grobbelaar undertook hypnosis on a number of pupils. This was usually carried out in a room full of pupils for their amusement.

In or around 1987 Mr Grobbelaar approached Pupil A who would have been aged 16 at that time and asked if he had any fears surrounding his final exams. Pupil A informed him that he was concerned about his performance in mathematics. Mr Grobbelaar offered to hypnotise Pupil A to assist with his concerns. Mr Grobbelaar told Pupil A that he should not discuss the hypnosis with anyone else. Mr Grobbelaar told Pupil A to meet him during the evening in the Guidance Centre at the school to perform the hypnosis. Whilst at the Guidance Centre with Pupil A, Mr Grobbelaar closed the door to the room so that he and Pupil A were alone. He told Pupil A that the solution was hypnosis to implant the suggestion that he enjoyed mathematics. He hypnotised Pupil A. Whilst Pupil A was under hypnosis Mr Grobbelaar removed Pupil A’s tracksuit pants and performed oral sex on the pupil. Mr Grobbelaar also removed his own pants and stood behind Pupil A. Whilst behind Pupil A he rubbed his bare penis against Pupil A’s buttocks. Mr Grobbelaar admits that his conduct during this hypnosis session was sexually motivated.

Approximately one week later, outside of school hours, Mr Grobbelaar approached Pupil A outside of school and told the pupil that the hypnosis had to be reinforced in order to be effective. Mr Grobbelaar again hypnotised Pupil A and implanted the suggestion that Pupil A would recall nothing but the suggestion that he enjoyed mathematics. Mr Grobbelaar admits that his conduct during the second hypnosis session was an attempt to prevent the events of the first hypnosis session from being discovered.

Over time, Pupil A was able to recall the events that had taken place whilst he was under hypnosis and he reported this to the Grey High School in 1990 after he had left the school. It is unclear what action was taken by the school at that stage, save that Mr Grobbelaar left the school.

In August 2013 Pupil A discovered that Mr Grobbelaar was working as a teacher at a school in England and communicated with the school to recount what had happened in South Africa. The school investigated the complaint and Mr Grobbelaar resigned from his post.

Findings of Fact

Our findings of fact are as follows:

Whilst working at Grey High School, Port Elizabeth, South Africa:

1. In or around October 1987:

(a) he hypnotised Pupil A

(b) whilst Pupil A was under hypnosis, he:

(i) removed Pupil A's tracksuit bottoms

(ii) performed oral sex on Pupil A

(iii) rubbed his bare penis against Pupil A's buttocks

2. His actions as described in paragraph 1 above were sexually motivated.

Mr Grobbelaar admitted the alleged facts and signed a statement of agreed facts which cover all of the particulars of the allegations. The Panel has reviewed the statement from Pupil A and has noted that the information provided supports the admissions made by Mr Grobbelaar. We, therefore, find the facts 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 noted that Mr Grobbelaar agrees that his admitted actions constitute unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The Panel agrees that the facts admitted and found proved constitute behaviour which can only be regarded as unacceptable professional conduct and conduct that may bring the profession into disrepute.

While we appreciate the Teachers' Standards were not in force at the time of the alleged behaviour. Nevertheless, by current standards Mr Grobbelaar breached Part Two of the Teachers' Standards. He failed to demonstrate consistently high standards of personal and professional conduct in that:

- He did not uphold public trust in the profession and maintain high standards of ethics and behaviour within and outside school in that he:

- failed to treat pupils with dignity, build relationships rooted in mutual respect and observe proper boundaries appropriate to a teacher's professional position.
- failed to safeguard a pupil's well-being
- He did not have proper and professional regard for the ethos, policies and practices of the school in which he taught.

In addition, Mr Grobbelaar breached Part One, section 7 of the Teachers' Standards in that he failed to manage his own behaviour effectively to ensure a good and safe learning environment.'

Panel's recommendation to the Secretary of State

The Panel has considered this case very carefully.

The Panel recognises that Mr Grobbelaar's actions seriously damaged a pupil aged 16 at the time and for many years after. Mr Grobbelaar was in a position of trust, which he breached in a deliberate and carefully planned manner, including an attempt at concealment.

Nevertheless, the Panel has been presented with a body of evidence which suggests that the teacher has shown remorse and insight, has attempted to atone for his actions over a considerable period and is ashamed of what he did. The evidence before the Panel suggests that this was an isolated incident involving one pupil, which took place over 25 years ago. The Panel is also persuaded from his employment record and references as a teacher over the last 22 years that he is an excellent and inspirational teacher. The Panel believes the risk of repetition of the behaviour is low.

However, the admitted behaviour as a teacher represents a serious departure from the personal and professional conduct elements of the Teachers' Standards, misconduct which seriously affected the well-being of a pupil, and abuse of position of trust involving violation of the rights of a pupil. In addition, it involved actions that were sexually motivated and which exploited the trust, knowledge and influence derived from Mr Grobbelaar's professional position.

The Panel has, therefore, concluded that the teacher's behaviour, in spite of the passage of time, is incompatible with being a teacher and recommends that prohibition would be a proportionate sanction in this case in order to maintain public confidence in the teaching profession and to uphold proper standards of conduct.

The Panel considered whether to recommend that there be provision for Mr Grobbelaar to apply for the prohibition order to be set aside or that there be no review period set. The Panel has found that this was serious sexual misconduct which breaks one of the

fundamental tenets of teaching. In the light of the guidance in *Teacher Misconduct: the prohibition of teachers*, the Panel recommends that there be no provision for Mr Grobbelaar to apply for the prohibition to be set aside.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case.

Mr Grobbelaar has admitted to, and the panel have found proven, all the allegations in this case. The panel have found that facts proven clearly amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In determining whether a prohibition order is an appropriate and proportionate sanction they have balanced the public interest with that of Mr Grobbelaar. This case brings into play the three public interest considerations outlined in the Secretary of State's advice, namely

- the protection of pupils and other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

The panel have given due regard to the fact that the incident was a one off incident and happened over 25 years ago. They are also persuaded through his employment record and references that he is an excellent and inspirational teacher. And that the risk of repetition is low.

However, the admitted behaviour is a serious departure from the standards expected of a teacher, involving the abuse of a position of trust and having a serious effect on a pupil over many years.

In the circumstances I agree with the panel's recommendations that a prohibition order, without the opportunity to apply for it to be set aside, is an appropriate and proportionate sanction.

This means that Mr Stephen Pieter Grobbelaar 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 Stephen Pieter Grobbelaar 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 Stephen Pieter Grobbelaar has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

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

NAME OF DECISION MAKER: Paul Heathcote

Date: 23 September 2014

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