



Teaching
Regulation
Agency

Mr Robert Salvage: Professional conduct panel meeting outcome

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

September 2021

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

Teacher:	Mr Robert Salvage
Teacher ref number:	0851933
Teacher date of birth:	19 August 1983
TRA reference:	18052
Date of determination:	22 September 2021
Former employer:	Stanford-le-Hope primary school

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 22 September 2021, to consider the case of Mr Robert Salvage.

The panel members were Ms Rachel Cooper (teacher panellist – in the chair), Mr Craig Underwood (lay panellist) and Mrs Julie Beck (lay panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Salvage that the allegations be considered without a hearing. Mr Salvage 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 Salvage or any representative instructed on his behalf.

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

Allegations

The panel considered the allegations set out in the notice of meeting dated 2 August 2021.

It was alleged that Mr Salvage was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute in that:

1. He received a conditional caution for the following relevant offence:
 - a. Making indecent photograph/pseudo-photograph of a child.
2. His conduct as may be found proven at Allegation 1 above resulted in him being placed on the Sex Offenders Register for a period of 5 years.

Mr Salvage has admitted the allegation in full.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Notice of referral and notice of meeting – pages 2 to 8

Section 2: Statement of agreed facts and presenting officer representations – pages 10 to 14

Section 3: Teaching Regulation Agency documents – pages 16 to 56

In addition, the panel was provided with a copy of the Notice of Meeting dated 2 August 2021.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Salvage on 26 January 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Salvage for the allegations to be considered without a hearing.

The panel had 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 was necessary or appropriate in this case.

The panel proceeded to carefully consider the case, having read of all of the documents, and reached a decision.

Mr Salvage was previously employed at Stanford-le-Hope primary school ("the School") as a class teacher from 1 September 2016 until his resignation on 19 September 2019. On 25 January 2019, Mr Salvage was arrested by police for accessing indecent images of children on 30 October 2018.

Mr Salvage was suspended pending investigation. Mr Salvage resigned from his position at the School on 19 September 2019, having accepted the alleged conduct. Following a police investigation, Mr Salvage accepted a conditional caution on 23 October 2019 for the offence of: Make indecent photograph/pseudo-photograph of a child. Mr Salvage accepted the following conditions:

- a. To take part in a polygraph test if requested to do so within a period of 20 weeks of the caution administered.
- b. To attend and actively engage in the Victim Awareness Course within 20 weeks of the date the caution is received. To pay Victim Support £90 to attend.
- c. To forfeit exhibits GP/03 – iPhone 5s Dark Grey, DG/01 – Apple iPhone white and NMR/5 – iPhone in black case to police for destruction.

As a consequence of the conditional caution, Mr Salvage has been placed on the Sex Offenders Register for a period of 5 years.

Mr Salvage was referred to the TRA by the School.

Findings of fact

The findings of fact are as follows:

1. He received a conditional caution for the following relevant offence:

a. Making indecent photograph/pseudo-photograph of a child.

2. His conduct as may be found proven at Allegation 1 above resulted in him being placed on the Sex Offenders Register for a period of 5 years.

Mr Salvage admitted the allegations.

The panel were provided with a copy of the conditional caution dated 23 October 2019. This was signed by Mr Salvage.

The panel carefully considered all of the evidence within the hearing bundle relating to the circumstances of this offence.

The panel accepted the conditional caution of evidence of the commission of the offence by Mr Salvage. In light of this evidence and Mr Salvage's admissions, the panel found the allegation proved.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Salvage in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Salvage was 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Salvage fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Salvage's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents was 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 was satisfied that Mr Salvage was guilty of unacceptable professional conduct.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct were serious and the conduct displayed would have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Salvage's actions constituted conduct that did bring the profession into disrepute.

Having found the facts proved, the panel further found that Mr Salvage's conduct amounted to both unacceptable professional conduct and conduct that did bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute, it was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the protection of pupils/the protection of other members of the public/the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Salvage, which involved a finding of making an indecent photograph of a child, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate behaviour involving children.

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

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Salvage was outside that which could reasonably be tolerated.

The panel considered whether there was a public interest in retaining Mr Salvage in the profession. On the basis of the evidence available, it determined that there was no such public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Salvage. 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 proved.

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;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence to suggest that Mr Salvage was acting under duress, and, in fact, the panel found Mr Salvage's actions to be calculated and motivated. There was evidence that Mr Salvage's actions were deliberate.

Mr Salvage was content that the meeting could go ahead in his absence, and he was not present. As such, the panel did not hear any submissions made by Mr Salvage nor were any submissions made on his behalf during the course of the meeting. The panel was not provided with evidence of mitigation or previous good character. Mr Salvage sent an email dated 30 May 2021 to Ms Sherelle Appleby of Browne Jacobson, instructed on behalf of the TRA, a copy of which was available to the panel in page 8 of the bundle. In that email, Mr Salvage accepted the allegations and that he should be prohibited.

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 would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Salvage's prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Salvage. The nature and type of offence was a significant factor in forming that opinion. Accordingly, the panel made 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 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 proved, would militate against the recommendation of a review period. One of these behaviours includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. The panel found that Mr Salvage was responsible for making an indecent photograph or pseudo-photograph of a child and this clearly links back to the behaviours which recommend no review period.

Although Mr Salvage admitted the allegation, he did not offer mitigation or insight into his actions.

The panel decided that 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 provisions for a review period.

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 both sanction and review period.

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

In this case, the panel has found all of 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 Robert Salvage should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Salvage 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also “satisfied that the conduct of Mr Salvage fell significantly short of the standards expected of the profession.”

The panel also considered “whether Mr Salvage's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.”

The panel found, “that the offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents was relevant.”

The findings of misconduct are particularly serious as they include a finding of “making indecent photograph/pseudo-photograph of a child.”

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 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 Salvage and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that, “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.”

A prohibition order would therefore prevent such behaviours, when a teacher, from occurring again. I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, “Although Mr Salvage admitted the allegation, he did not offer mitigation or insight into his actions.”

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of children and pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the conduct displayed would have a

negative impact on the individual's status as a teacher, potentially damaging the public perception."

I am particularly mindful of the finding of making an indecent image in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order 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 Salvage. the panel comment "the panel did not hear any submissions made by Mr Salvage nor were any submissions made on his behalf during the course of the meeting. The panel was not provided with evidence of mitigation or previous good character."

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight. I have given less weight in my consideration of sanction therefore, to the contribution that Mr Salvage may have made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a that no provision should be made for a review period.

I have considered the panel's comments and the advice published by the Secretary of State.

I have considered whether allowing for no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, the factors that mean that a no review period is

proportionate and necessary are the nature of the misconduct found and the lack of insight.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Robert Salvage 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 Robert Salvage 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 Robert Salvage 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 blue ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 23 September 2021

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