

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Timothy Alister Smith (nee Blake-Bowell)

Teacher ref no: 98/58339

Teacher date of birth: 22/07/1961

TA Case ref no: 7799

Date of Determination: 13th August 2012

Former Employer: King Ethelbert School, Birchington, Kent

A. Introduction

A Professional Conduct Panel ("the Panel") of the Teaching Agency convened on 13th August 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Timothy Blake-Bowell.

The Panel members were Dr. Roland Kitchen (Lay Panellist – in the Chair), Ms Gill Goodswen (Teacher Panellist) and Mr John Pemberton (Teacher Panellist).

The Legal Adviser to the Panel was Mr Nick Leale of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Mary Page of Kingsley Napley Solicitors.

Mr Timothy Blake-Bowell was present but was not represented.

The part of the hearing dealing with the issue of the conviction and whether the conviction amounted to a 'relevant offence' took place in public. The part of the hearing concerning the issue of recommendation to the Secretary of State took place in private. All of the hearing was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 9 March 2012.

It was alleged that Mr Timothy Blake-Bowell was guilty of having been convicted of a relevant offence, namely :

Offence/date	Control prostitution for gain between 31/7/07-14/12/07
Court/date	Canterbury Crown Court on 7/7/09
Disposal	Imprisonment 9 months
Court/date	Canterbury Crown Court on 18/12/09
Disposal	Confiscation £4,150.00 or in default 2 months imprisonment.

C. Summary of Evidence

Documents

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

Section 1 – Anonymised pupil list – pages 1-2

Section 2 – Notice of proceedings and response – pages 3-8c

Section 3 – Teaching agency statements – pages 9-14

Section 4 – Teaching agency documents – pages 15-112

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

The Panel made their decisions on the basis of the papers and the submissions of the Presenting Officer and Mr Blake-Bowell.

D. Decision and Reasons

The panel announced their decisions 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.

This case concerns Mr Blake-Bowell's conviction for an offence of controlling prostitution for gain, for which he received a sentence of 9 months imprisonment on 7th July 2009.

Findings of fact

It was alleged that Mr Blake-Bowell had been convicted of a relevant offence, namely :

Offence/date	Control prostitution for gain on 31/7/07-14/12/07
Court/date	Canterbury Crown Court on 7/7/09
Disposal	Imprisonment 9 months
Court/date	Canterbury Crown Court on 18/12/09
Disposal	Confiscation £4,150.00 or in default 2 months imprisonment

Our findings of act are as follows :

We find the conviction proved. Mr Blake-Bowell has admitted that he was convicted of the offence of controlling prostitution for gain on 5th February 2009 at Canterbury Crown Court. The conviction is proved by way of the certificate of conviction at page 105 of section 4 of the bundle of papers. We have been further assisted by the

remarks of the sentencing judge on 7th July 2009, which are transcribed at pages 107 to 112 of section 4 of the bundle.

Findings as to Conviction of a Relevant Offence

We find that Mr Blake-Bowell has been convicted of a relevant offence. The offence of controlling prostitution for gain is serious and we consider that it is likely to impact on Mr Blake-Bowell's suitability to be a teacher.

Mr Blake-Bowell's behaviour in committing the offence was contrary to the standards of personal and professional conduct expected of a teacher, in particular bullet point 5 of part 8 of the General Teaching Council's most recent Code of Conduct (upholding public trust and confidence in the profession). Also, the behaviour in committing the offence is likely to have an impact on public confidence in the teaching profession.

Mr Blake-Bowell rented a flat from which he controlled prostitutes (including his wife). He enjoyed financial gain from this offending which led to a sentence of 9 months imprisonment and a subsequent confiscation order of £4,150.

Panel's Recommendation to the Secretary of State

In this case we recommend the imposition of a Prohibition Order by the Secretary of State.

In deciding upon this recommendation we have taken into account Mr Blake-Bowell's good history as a teacher. We have not however been presented with mitigation that persuades us that:

- a) In committing the relevant criminal offence he did not know exactly what he was doing;
- b) The duress he was acting under was sufficient reason to explain criminal behaviour.

We have taken into account the pressures he was under due to the difficulties at the time with regard to his wife's conduct and the impact of that on his children. He clearly had other options for dealing with this situation which would not have caused him to commit a serious criminal offence.

We therefore form the view that a Prohibition Order is a proportionate measure in the circumstances. It is required in the public interest in order to maintain public confidence in the profession and in order to declare and uphold proper standards of conduct. For completeness, we do not believe that a Prohibition Order is required in Mr Blake-Bowell's case to protect children and other members of the public.

A conviction of controlling prostitution for gain is incompatible with being a teacher, particularly given the standing that such a professional holds within the community. Mr Blake-Bowell has been convicted of a serious criminal offence for which he was sentenced to 9 months imprisonment.

By bringing the profession into disrepute in the way that he has, Mr Blake-Bowell has failed to declare and uphold proper standards of conduct and has failed to uphold public trust in the profession and maintain high standards of ethics and behaviour.

Taking into account his good record within the profession and his clear attempts to rehabilitate himself we recommend that Mr Blake-Bowell be able to apply for the Prohibition Order to be set aside after a minimum period of three years.

Secretary of State's Decision and Reasons

I have given this decision and the recommendations it contains very careful consideration.

Mr Blake-Bowell has been convicted of a serious criminal offence. His behaviour therefore clearly brings the teaching profession into disrepute. He has failed to uphold the high standards required of the profession. The public need to have confidence in the standards of the teaching profession.

I support the recommendation that Mr Blake-Bowell be prohibited from teaching. This seems to me to be a proportionate response to a serious conviction that led to the courts imposing both a custodial sentence and a confiscation order.

I have also considered the recommendation of the panel with regard to the review period. I support the recommendation that Mr Blake-Bowell be permitted to apply for restoration of his eligibility to teach after a three year period. This takes into account the seriousness of the offence, but also recognises the steps that Mr Blake-Bowell has taken towards rehabilitation.

This means that Mr Blake-Bowell is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, **but not until 2015, 3 years from the date of this order at the earliest**. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Blake-Bowell remains barred from teaching indefinitely.

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

Mr Blake-Bowell has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

NAME OF DECISION MAKER: Alan Meyrick

Date: 14 August 2012