

THE TEACHING AGENCY

Decision of a Professional Conduct Panel

Teacher: Mr Paul King

Teacher ref no: 06/83373

Teacher date of birth: 24/01/1977

TA Case ref no: 7892

Date of Determination: 23 August 2012

Former Employer: Coopers Technology College, Kent

A. Introduction

A Professional Conduct Committee convened on 23 August 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Paul King.

The Panel Members were Mrs Gill Goodswen (Teacher Panellist – in the Chair), Mr Nicholas Andrew (Lay Panellist), Mr Stewart McKane (Teacher Panelist).

The Legal Advisor to the panel was Mr Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Fiona Butler of Brown Jacobson LLP. Ms Butler was not present during the meeting.

Mr King was not present and was not represented during the meeting.

Mr King requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was tape recorded.

B. Allegations

The Panel considered the allegation set out in the notice of referral dated 6 October 2011.

It was alleged that Mr King was guilty of unacceptable professional conduct in that whilst employed at Coopers Technology College, Kent, between 1 September 2007 and 18 May 2010, he;

1. Posted inappropriate messages, including messages of a sexual nature, to Student A via the social networking site Facebook;
2. Asked Student A to keep his communications secret.

Mr King admitted the facts of the allegation and admitted that the facts amounted to unacceptable professional conduct.

C. Summary of Evidence

Documents

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

1. Section 1 Anonymised Pupil List page 2
2. Section 2 Notice of Referral and Response pages 4 – 7b
3. Section 3 Statement of Agreed Facts/representations, pages 9 – 14
4. Section 4 Teaching Agency Documents, pages 16 – 55
5. Section 5 Teachers Documents, pages 57 – 68

The Panel members confirmed that they had read all the documents in advance of the meeting.

D. 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 meeting.

Summary

Mr Paul King, date of birth 24 January 1977, was employed at Coopers Technology College, Kent, from September 2007 until May 2010. On 9 April 2010, Student A attended the school accompanied by her mother. The student had begun to feel uncomfortable with the content of Facebook messages she had exchanged with Mr King. Her mother provided the school with a transcript of the Facebook conversations which had taken place between 31 March 2010 and 4 April 2010. Those messages included on 1 April 2010, Mr King sending a message to Student A requesting her to not tell others about their “chat” and “that good 2 know that u can keep a secret 4 when we get together in a few years time!” In the course of the following few days Mr King engaged in discussions with Student A as to whether she was sexually active and he revealed details about his own sexual history.

The allegation we have considered is that:

Mr King was guilty of unacceptable professional conduct in that whilst employed at Coopers Technology College, Kent, between 1 September 2007 and 18 May 2010, in that he

1. Posted inappropriate messages, including messages of a sexual nature, to Student A via the social networking site Facebook;
2. Asked Student A to keep his communications secret.

Findings of Fact

Particular 1

We have considered the evidence carefully. We noted that Mr King has admitted the facts of the particular. We have considered the Agreed Statement of Facts carefully and have considered the transcripts of the messages.

On the basis of the evidence and the admissions made by Mr King, we find the facts of this particular proven.

Particular 2

We have considered the evidence carefully and noted that Mr King has admitted the facts of the particular. We have considered the Agreed Statement of Facts carefully.

On the basis of the evidence and the admissions made by Mr King, we find the facts of this particular proven.

Findings as to Unacceptable Professional Conduct

We have noted that Mr King accepts that his conduct amounts to unacceptable professional conduct.

Mr King's actions have the potential to undermine public confidence in and the standards expected of the Profession. Teachers have a responsibility to act in a manner which ensures the maintenance of professional boundaries. Mr King's actions in sending inappropriate messages and messages of a sexual nature to Student A are fundamentally incompatible with such professional expectations. In addition, his requests to the student asking her to keep such conversations secret, is of significant concern.

Teachers are placed in a position of responsibility and trust with children, and we are concerned that Mr King has acted in a manner which abused that position of trust. His actions show that he has not acted in a manner which ensures the wellbeing of children and young people under his supervision.

On the basis of the facts we have found proven, we find that Mr King's conduct amounts to unacceptable professional conduct.

Recommendation to Secretary of State

We have considered this case very carefully and have considered the mitigation and evidence presented by the Agency and Mr King's representations. We noted that Mr King has accepted that his conduct was unacceptable both personally and professionally. We have considered all of his representations. We noted the testimonials which Mr King has presented. We noted that he has accepted the allegation and that his actions amount to unacceptable professional conduct. We have considered the mitigation which has been presented on Mr King's behalf by the NUT.

We have considered whether to conclude this case without imposing a sanction but we have decided that the issues raised are so serious that a sanction is necessary and appropriate. He was engaged across a period of 5 days through Easter in 2010 in posting inappropriate and sometimes sexualised messages via Facebook to Student A. He also asked the student to keep communications secret. This suggests that Mr King was aware of the inappropriateness of his actions and sought to conceal them.

Not only did Mr King behave in a way which was inappropriate, we are of the view that his actions were a fundamental departure from the expected professional conduct standards. He was in a position of trust which, we are satisfied, he abused. Mr King was an experienced Teacher. We are of the view that his behaviour has the potential to undermine the reputation of the Profession and to damage public confidence and the standards expected of Teachers.

We have reminded ourselves that a sanction is not intended to act punitively but is imposed to reflect the seriousness of behaviour, to uphold public confidence in the standards of conduct expected of the profession and to protect the public and/or pupils. We have decided that it is appropriate to recommend that a Prohibition Order is necessary in this case in order to reflect the seriousness of Mr King's behaviour as well as to uphold public trust and confidence in the standards of conduct expected of the profession and in particular to protect pupils.

We have carefully considered whether to recommend that Mr King be allowed the opportunity to apply to set aside the Prohibition Order. Whilst we believe that his actions are incompatible with the expectations of the Teaching profession and we view his actions to have been serious, we believe that his behaviour was, in effect, a single incident. There is no evidence of any other disciplinary matters against him or complaints with respect to his conduct. We have decided that for reasons of proportionality, it is appropriate to recommend that Mr King be entitled to apply for the Prohibition Order to be set aside after a period of 3 years.

We noted that the minimum period to be able to apply to set aside a Prohibition Order is 2 years. We noted that this is a single incident but that the actions were of such gravity and raise concerns about possible recurrence. We have therefore decided that a significant duration should elapse, beyond the minimum period, which could reassure and give confidence to a future panel that Mr King would not behave in a similar way in the future. We therefore believe that a duration of 3 years is

appropriate and proportionate. It is also an appropriate period which will equate to 5 years from the date of his resignation from the school.

Secretary of State's Decision and Reasons

I have considered this case and the recommendation of the panel carefully.

Mr King has admitted the facts of both particulars and has accepted that both amount to unacceptable professional conduct. His behaviour represents a serious departure from the standards expected of a teacher and exhibits an abuse of trust. It also has the potential to undermine the reputation of the Profession and to damage public confidence.

The panel recommend that a prohibition order be imposed and I support that for the reasons given.

In terms of the review period, the panel have balanced the seriousness of the behaviour against the fact that it appears to be a one off incident and have therefore recommended a review period of at least three years. I also support that recommendation.

This means that Mr Paul King 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 30 August 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 Paul King remains barred from teaching indefinitely.

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

Mr Paul King 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: Paul Heathcote
Date: 23 August 2012