

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Martin Boulton

Teacher ref no: 0548179

Teacher date of birth: 24 February 1982

TA Case ref no: 9008

Date of Determination: 4 December 2012

Former Employer: Hilbre High School, Merseyside

A. Introduction

A Professional Conduct Panel (“the Panel”) of The Teaching Agency convened on 4 December 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Martin Boulton.

The Panel members were Dr Dena Coleman (Teacher Panellist– in the Chair), Mr Stewart McKane (Teacher Panellist) and Mr William Brown OBE (Lay Panellist).

The Legal Adviser to the Panel was Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for The Teaching Agency was Ms Melinka Berridge of Kingsey Napley solicitors. She was not present.

Mr Martin Boulton was not present and was not represented.

The meeting took place in private. The decision was announced in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Meeting dated 6 November 2012.

It was alleged that Mr Martin Boulton was guilty of unacceptable professional conduct, in that:

1. Whilst employed at Hilbre High School, Merseyside during 2009 – 2011 he engaged in an inappropriate relationship with Student A.

Mr Boulton accepts the allegation and accepts that those facts amount to unacceptable professional conduct.

C. Summary of Evidence

Documents

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

Section 1	Anonymised Pupil List	Page 1
Section 2	Notice of Proceedings & Response	Pages 1 – 5
Section 3	Teaching Agency Statements	Pages 1 - 20
Section 4	Teaching Agency Documents	Pages 1 – 81
Section 5	Teacher Documents	Page 1

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

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 hearing.

Summary

Mr Boulton, whose date of birth is 24 February 1982, was employed as a Newly Qualified Teacher from September 2006 at the Hilbre High School, Merseyside. He was a Business Studies teacher. On 16 July 2009 an allegation was made by Student A that Mr Boulton had spoken and behaved in an inappropriate manner towards her. She was, at that time, a Year 9 student. Mr Boulton was warned about his behaviour and reminded of the need to behave in an appropriate manner around pupils. In June 2011 the parents of Student A raised a concern with the School about text conversations which had been exchanged between Student A and Mr Boulton. These text conversations had taken place between February and June 2011. During a School investigation, Student A provided detail about the contact which had taken place between her and Mr Boulton. Also during the investigation, wider inquiry showed that Mr Boulton had used Facebook to communicate about personal matters with her and had had meetings with her at School. Mr Boulton accepts that he did have an inappropriate relationship with the student and he behaved in a way which included hugging her, discussing personal matters, giving her his mobile number, texting her and placing his hands on her waist when working together in the Art department Dark room.

The allegation we have considered is set out in the Notice of Meeting dated 6 November 2012. It is alleged that Mr Boulton was guilty of unacceptable professional conduct, in that:

1. Whilst employed at Hilbre High School, Merseyside during 2009 – 2011 Mr Boulton engaged in an inappropriate relationship with Student A.

Findings of fact

Our findings of fact are as follows:

We have carefully considered all of the relevant evidence contained within the hearing bundle. We have considered the Statement of Agreed Facts and Mr Boulton's representations. We have also noted the content of the interviews undertaken as part of the school investigation. We have carefully considered the "Table of concerns raised by Student A". This Table sets out the specific detail of the admissions which Mr Boulton makes. We have noted that Mr Boulton admits the facts of this allegation.

On the basis of the admissions which Mr Boulton has made and the detail provided in the Statement of Agreed Facts, we find that he engaged in an inappropriate relationship with Student A.

We find the factual particulars of the allegation proven.

Findings as to Unacceptable Professional Conduct

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

Mr Boulton has acted in a manner which has the potential to undermine public confidence in the standards expected of the profession. We are concerned that he was engaged in an inappropriate relationship with this student and we believe that he exploited a vulnerable student, despite having been given at least two previous warnings about his behaviour around students. He continued to engage in the relationship over an extended period of time

Teachers have a responsibility to act in a manner which upholds public trust and upholds confidence in the reputation of the profession. Teachers are expected to behave in a manner which ensures the maintenance of appropriate professional boundaries. Mr Boulton's behaviour failed to ensure the maintenance of appropriate professional boundaries which is fundamental to a teacher's role given the position of trust, responsibility and authority in which teachers are placed.

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

Panel's Recommendation to the Secretary of State

We have considered this case very carefully and have considered the mitigation and evidence presented by the Agency and Mr Boulton. We have considered the representations which he has provided very carefully and note that he has accepted the allegation.

We are significantly concerned by Mr Boulton's behaviour. It is clear to us that Mr Boulton took steps to contact the student, beginning at a time when she was in Year 9 and aged approximately 13. He made highly suggestive messages to her and communicated in a manner which was highly inappropriate. He accepts touching her on her legs, putting his arms around her, hugging her, discussing personal matters with her, telling her to carry condoms, placing his hands on her waist when in a dark room while she was working on her art project and texting her that he loved her. We have noted that this highly inappropriate behaviour lasted for an extended period of time - his actions were deliberate and Mr Boulton was not acting under duress. These actions are deeply concerning and fundamentally unacceptable.

Mr Boulton's conduct has fallen significantly below the standard expected of a registered teacher. We are of the view that his behaviour has the potential to undermine the reputation of the profession and to significantly damage public confidence in the standards expected of Teachers. His actions show that he has failed to maintain the paramount requirement for teachers to act in a way which safeguards pupils and ensures their wellbeing. He failed to observe and maintain appropriate professional boundaries and his actions are a fundamental departure from the standards of conduct which can appropriately be expected of the profession. We are concerned that his actions presented a risk to the safety and wellbeing of this student.

We have considered whether to conclude this case without imposing a sanction. We have decided that the issues raised in this case are so serious that a sanction is necessary and appropriate.

We have reminded ourselves that a sanction which is imposed is not intended to act punitively, but is imposed to reflect the seriousness of behaviour, to uphold public confidence in the standards expected of the profession and to protect the public and/or pupils. We have decided that it is necessary and proportionate to recommend that a Prohibition Order should be imposed in this case in order to reflect the seriousness of Mr Boulton's behaviour. It is also necessary in order to uphold public trust and confidence in the standards of conduct expected of the profession. We recommend that a Prohibition Order should be imposed immediately.

We have carefully considered whether to allow Mr Boulton the opportunity to apply to set aside the Prohibition Order. We have carefully considered his mitigation and representations. We have not seen any information which suggests that he has reflected on his behaviour, has understood the consequences of his behaviour nor that he has shown insight. Given the seriousness with which we view his behaviour; our concern that he has not shown insight into the nature and consequences of his conduct; the impact upon the student; and the impact upon the reputation of the profession we have decided that it is not appropriate to recommend that Mr Boulton be entitled to apply to set aside the Order.

Secretary of State's Decision and Reasons

I have given careful consideration to this case. I have given careful consideration to both the recommendations of the panel, in respect of sanction and in respect of review.

This is a serious case where the panel have found that the allegation is proven and amounts to unacceptable professional conduct.

Mr Boulton persisted with his inappropriate behaviour despite being given clear warnings. He commenced his relationship with Student A when she was in Year 9 and continued to behave inappropriately over a considerable period of time.

Mr Boulton's behaviour falls seriously short of that expected of a teacher and he failed to safeguard pupils and ensure their well-being. His behaviour has the potential to undermine the public confidence in the profession. I consider a prohibition order to be in the public interest and proportionate.

I have also considered the panel's recommendation in respect of a review period.

This was a very serious case and Mr Boulton appears to have shown no insight into his behaviour, outside of the admission of the facts.

In the light of that lack of insight and coupled with the serious nature of the behaviour which put the well-being of a pupil at risk of harm I support the recommendation that there should be no review period.

This means that Mr Martin Boulton 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 allegation found proved against him, I have decided that Mr Martin Boulton 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 Martin Boulton 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 4 December 2012