

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr Paul Brayford

**Teacher ref no:** 91/40705

**Teacher date of birth:** 6 September 1969

**TA Case ref no:** 9164

**Date of Determination:** 8 February 2013

**Former Employer:** Stratford-Upon-Avon Grammar School for Girls

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of The Teaching Agency convened on 7 and 8 February 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Paul Brayford.

The Panel members were Martin Pilkington (Lay Panellist– in the Chair), Selina Stewart (Teacher Panellist) and Kathy Thomson (Teacher Panellist).

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

The Presenting Officer for The Teaching Agency was Melinka Berridge of Kingsley Napley Solicitors.

Mr Paul Brayford was not present and was not represented.

The hearing took place in public and was recorded.

### **B. Allegations**

The Panel considered the allegations set out in the Notice of Proceedings dated 27 November 2012.

It was alleged that Mr Paul Brayford was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Stratford-upon-Avon Grammar School for Girls, during 2010 and 2011 he:

- 1) engaged in an inappropriate relationship with Student A;
- 2) his conduct at 1) was sexually motivated.

Mr Brayford had not responded to the Notice of Proceedings.

## **C. Summary of Evidence**

### Documents

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

Section 1	Anonymised Pupil List & Chronology of Events	Pages 1 - 4
Section 2	Notice of Proceedings & Response	Pages 5 - 12
Section 3	Teaching Agency Statements	Pages 13 - 31
Section 4	Teaching Agency Documents	Pages 32 - 431
Section 5	Teacher's Documents	(none)

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

### Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

The Presenting Officer provided a copy of a written opening note for the Panel. She made opening and closing submissions which were considered by the Panel.

The Presenting Officer called Witness A, Headteacher of the Stratford-Upon-Avon Grammar School for Girls to give evidence. The Panel took her statement, found at pages 13-26 of the bundle, as read.

In answer to questions from the Presenting Officer and, subsequently, the Panel, Witness A provided additional detail regarding her knowledge of Mr Brayford as a teacher and her knowledge of Pupil A. She also provided detail regarding her interview with Pupil A and DC Webster and subsequent interview with Mr Brayford. Witness A explained the background to her investigation and her creation of a coloured spreadsheet which recorded a number of the text message 'conversations' between Mr Brayford and Pupil A.

The Panel listened to extended extracts of the audio recording of the Police interviews with Mr Brayford held on 5 May 2011 and 16 June 2011.

## **D. Decision and Reasons**

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 and the additional documents provided at the start of the hearing, and we have carefully considered all of the evidence presented to us during the hearing.

We have considered the following allegation that:

Mr Brayford is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Stratford-upon-Avon Grammar School for Girls, during 2010 and 2011 he:

1. Engaged in an inappropriate relationship with Student A;
2. his conduct at 1) was sexually motivated.

## **Summary**

Mr Brayford had been a teacher since September 1992 and had been employed in a number of teaching positions. His date of birth is 6 September 1969. He commenced employment at Stratford-upon-Avon Grammar School (the "School") for Girls on 1 September 2008 and was employed as a full-time History Teacher. In addition to his teaching position, he also held a number of pastoral responsibilities which included assisting A-level students with completing their UCAS application forms.

On 3 May 2011 a concern was raised by a female student at the School that Student A had told her that she had kissed Mr Brayford and had been to his house. The student reported to the School that she had assumed that Student A and Mr Brayford had had sex. Student A was 17 years of age at the time the concerns were raised.

The following day Student A was interviewed at the School by the Headteacher, Witness A, and a Police Officer, Individual A, regarding the concerns. The student explained that she and Mr Brayford had met several times in and out of school and that she had stayed overnight at his house on 4 March 2011. During a subsequent interview with the police, Student A stated that during a meeting in School with Mr Brayford, he had held her and physically pressed himself against her. She also stated that when she had stayed overnight at his house he had lain behind her in the bed in his bedroom and had requested that they have sex – she had refused and he had left the room. She stated that they had not had a sexual relationship.

On 5 May 2011 Mr Brayford was arrested. During a police interview on 5 May 2011, Mr Brayford confirmed that he had met Student A out of school hours and that they had discussed personal matters. He suggested that he had met Student A because she was unhappy at home and was suicidal. He had given her support and personal advice. They had met a number of times in Student A's car and they had hugged. Mr Brayford confirmed during the interview that she had stayed at his house overnight. He had bought nightwear for her to wear that night. He denied that they had slept together in the same bed and denied that he had intended to engage in any sexual activity with her. Following the interview, the police undertook a forensic examination of both Mr Brayford's and Student A's mobile phones and compiled a record of a number of the text messages which had been sent between them.

During a subsequent interview on 16 June 2011 the text messages were raised with Mr Brayford. He maintained that he had been silly in a number of the communications, had used banter and made a number of general comments but had

no motivation to engage in a sexual relationship with Student A. He maintained that his text messages had been sent in order to support Student A.

Following her interview, Student A contacted the police and explained that she did not want to proceed to give evidence, telling the police that she did not want to go through the Court process and that she was about to start at University.

## **Findings**

We have carefully considered all of the evidence in this case. Our findings are as follows

### **Particular 1**

We have considered all of the relevant evidence, which has included the oral evidence of Witness A and the transcript of the text messages compiled by the police. We have also carefully considered the transcripts of the interviews undertaken by the police with Mr Brayford and Student A.

To ensure fairness to Mr Brayford we have listened to extensive sections of the audio recordings of his police interviews on 5 May and 16 June 2011. We considered all of the evidence contained in the hearing bundle.

During his interviews with the police, Mr Brayford accepts that he met Student A on a number of occasions in a layby where they sat and talked in her car. During these meetings they discussed personal matters which included talking about the death of his mother and his plan to leave school. On one of these occasions he gave her a hug.

Mr Brayford also accepted during interview that he met with Student A in London during a School trip, but they left the group and went to drink coffee on their own. They discussed personal matters in private.

We have carefully considered the text message transcripts and Mr Brayford's evidence which he gave to the police during interview. Mr Brayford accepts that he sent the text messages to Student A and that he received them from her. We have noted that there is not a complete record of all of the text communications between them and in particular, there remain available only a small number of the text messages from Student A to Mr Brayford.

We considered Mr Brayford's explanation that he communicated with and met Student A in order to protect her and to listen to her concerns. He also suggested that he was seeking to investigate a suggestion that she had had sex with a member of teaching staff. We are not satisfied that this is a credible explanation as to why he sent text messages to the student and met with her outside of the School.

Having carefully reviewed the content, context, volume and timings of the text messages we are clear that a number of Mr Brayford's text messages with Student A are communications which are intimate, emotional and highly personal. The words used in the texts reveal that Mr Brayford was emotionally engaged with Student A.

We have reviewed all of the texts, but a number clearly show emotional and personal interaction and a level of personal intimacy. We set out below a number of text messages, by way of example;

*22/10/10 - "Love you x want you x"; 4/11/10 – "I love you"; 4/11/10 - "so you would give up something so potentially wonderful something that would make you so happy really"; 5/11/10 – "you are an incredible young lady. I still love you so much and being with you has been so fantastic, but I have to respect your goodbyes 'cos I am still foolish. Will miss you more than you will ever know. I love you, X X X"; 21/11/10 – "please be my girlfriend 'cos no one else will be, I'll wait around for you forever"; 31/12/2010 - "any of the outfits you'd wear for me if you'd like to"; "If you want to wear your maid's outfit for me you can, open offer any time".*

We have considered the evidence which Mr Brayford has given through the police interviews in relation to the events on 4 March 2011. He accepts that he invited Student A to visit his house. He accepts that it was intended that she would stay overnight. He provided alcohol which they drank together. It is accepted that, in advance of the evening, he had bought Student A red satin/silk nightwear.

As well as inviting and allowing Student A to stay overnight at his house, Mr Brayford's actions as evidenced through the text communications show that he was engaged in a relationship which went beyond the role of a teacher/student professional relationship. In our decision the relationship did develop into a personal relationship.

During the police interview on 16 June 2011, Mr Brayford confirmed that he had received training in safeguarding matters at the School and he confirmed that he understood that he was in a position of trust, given his role with students.

We have considered the School's "Guidance for Staff". Given the text messages which it is accepted had been sent, it is clear that Mr Brayford appeared to disregard the School guidance in relation to professional boundaries. The evidence also indicates that the Assistant Head, Individual B, had spoken to Mr Brayford in December 2011 regarding his unsuitable behaviour in attempting to give a gift to a female student.

On the basis of the evidence of the text messages and the evidence given in the police interviews, we have decided that there is sufficient evidence to prove that Mr Brayford did engage in a relationship with Student A.

We carefully considered the evidence of Witness A whose view was that Mr Brayford should not have invited Student A to his house and he should not have purchased red satin nightwear for her. Witness A's evidence was that he had overstepped the professional boundaries which must exist in a teacher/pupil relationship. We accepted her evidence and found her to be a credible witness.

The evidence proves that Mr Brayford engaged in a personal relationship with Student A and we are satisfied that it is proven that the relationship was inappropriate.

We find this particular proven.

## Particular 2

We have considered all of the relevant evidence.

The evidence in relation to this particular has included the content and context of the text messages sent between Mr Brayford and Student A. We have carefully considered Mr Brayford's evidence which is given in the transcripts of the police interviews of 5 May and 16 June 2011. We have carefully listened to and considered the audio recordings of extensive parts of the interviews.

We have carefully reviewed the wording of Particular 2. In relation to the Agency's allegation, our principal focus is in relation to considering evidence which is relevant to Mr Brayford's motivation towards Student A. We do not believe that, given the specific allegation, it is necessary for us to determine the level of weight to afford to the evidence of Student A where that evidence is in direct conflict with the evidence of Mr Brayford.

During the police interviews, Mr Brayford accepts that he invited and allowed Student A to stay overnight at his house on 4 March 2011. He accepts that he bought a red satin / silk night garment for her to wear. It is accepted that she slept in his bed. It is accepted that Mr Brayford and Student A drank Rosé wine together that night. Mr Brayford states that he took all of these steps in order to support her after she had suggested that she was suicidal.

We note that both Student A and Mr Brayford deny that they had sexual relations.

As well as the events on 4 March 2011, we have carefully considered the text messages which Student A and Mr Brayford exchanged. A number of the text messages show personal intimacy. A number of the texts also use language which is sexually euphemistic and highly sexualised. We have carefully considered the context of Student A staying overnight at Mr Brayford's house on 4 March 2011 which is indicated through the text messages.

We have considered a number of the text messages; a number of examples are below:

31/12/10 - *"hot whore"*; 18/11/10 – *"but I can't stay here....knowing that I want at least one night with you"*; 21/11/10 – *"is there not a part of you deep inside that wants me to take you and devour you and satisfy that want you have of me [sic]"*; 22/11/10 - *"why wont you stay can you ever see yourself sleeping with me"*; 28/12/10: - *"do you want it with me"*; 29/12/10 - *" imagine what it would be like if we were in that bed right now"*; 29/12/10 (at 01.55) – *"I had a quiet day till 01.41 am when this hot chick texted me and told me I was always on her mind"* (followed at 01.57) *"until at 01.41 am when I was awoken with a boner sure"*; 31/12/10 – *" well as you are intoxicated you cannot fly the plane so I would have to sort out your joystick"* [from Student A] and [to Student A] *"might be a bumpy ride, Keeping hold of that joystick might get tricky"*

Whilst we have not heard evidence from Student A, we have heard Mr Brayford's explanation and evidence as he gave it in answer to questions from the police officers during interview. He has disputed that he acted with any sexual intent and

consistently stated that his comments were generalised, were intended to support the student and were banterous. Having listened to his evidence carefully, we did not find his answers to a number of the questions to be reasonable, credible or convincing. Mr Brayford's answers to a number of questions – for example when answering as to what he had meant by "*boner*" and "*sleeping together*" Mr Brayford went onto describe that he had a foot disorder and insomnia - we found to be preposterous.

On the basis of the content, context of a number of the text messages and his conduct leading up to and preparing for the night of 4 March 2011 we are satisfied that the evidence proves that he was motivated by a desire to have a sexual relationship with Student A.

Accordingly we find this particular proven.

### **Finding as to Unacceptable Professional Conduct and/or conduct bringing the profession into disrepute**

We have carefully considered whether the facts we have found proven amount to unacceptable professional conduct and is conduct which may bring the profession into disrepute.

We have considered the current Teachers' Standards. We are clear that Teachers must uphold public trust in the profession and maintain the highest standards of ethics and behaviour within and outside school. Teachers must have proper and professional regard for the ethos, policies and practice of the school in which they teach.

We are clear that it has been a consistent expectation of the profession and public that teachers have a duty to maintain and uphold appropriate professional boundaries. Teachers must take reasonable care of students under their supervision with the aim of ensuring their safety and welfare. Mr Brayford's actions in engaging and developing an inappropriate relationship with a student shows that he has failed to uphold these fundamental expectations.

Mr Brayford failed to observe appropriate professional boundaries with Student A across a significant period of time. His behaviour also led to the student staying overnight at his house and drinking alcohol with him. Teachers are expected to have regard for the need to safeguard students' wellbeing and to treat students with dignity. In our decision Mr Brayford's conduct shows that he failed to uphold these responsibilities and failed to observe proper boundaries appropriate to a teacher's professional position.

Mr Brayford's actions also show that he disregarded the School's Guidance policy. He engaged in and sought to develop an inappropriate relationship with Student A. We have also found it proven that he intended to develop a sexual relationship with Student A. Such conduct was highly inappropriate and unprofessional. He failed to acknowledge and maintain appropriate and proper boundaries with students. In that regard, Mr Brayford behaved in a way which had the potential not only to damage his own reputation but also the reputation of the school as well as the profession as a whole.

A number of his actions, such as texting Student A, meeting her alone in her car in a layby and meeting her at his home took place outside of the school environment. These actions show a significant breach of the standards of conduct expected of a teacher and have the potential to undermine significantly public confidence in the profession. We are satisfied that Mr Brayford's actions may bring the profession into disrepute.

Given the findings we have made, we are satisfied that Mr Brayford's behaviour has fallen significantly and seriously short of the standards of conduct expected of a registered teacher and is behaviour which involves a breach of the standards of propriety expected of the profession. Having considered all of the circumstances, we are satisfied that his conduct amounts to unacceptable professional conduct and has the potential to bring the profession into disrepute.

### **Panel's Recommendation to the Secretary of State**

We have considered this case very carefully and have considered the mitigation and evidence presented by Mr Brayford, albeit through the police interview notes. He has a previously unblemished teaching career and no disciplinary findings against him. We considered that the death of his mother did have a significant impact on him.

We consider Mr Brayford's actions represent a serious departure from the personal and professional elements of the profession and we believe that his actions could have affected the wellbeing of Student A. His actions had the potential significantly to undermine the reputation of the profession.

We are concerned that Mr Brayford's behaviour shows an active course of conduct over an extended period of time as he sought to build, maintain and develop the relationship with Student A.

Having reviewed the police interviews carefully, we have seen no evidence that Mr Brayford has shown insight into the seriousness or consequences of his actions. He has shown no remorse or regret. Given the absence of insight or remorse there is no evidence that Mr Brayford can reassure us that he would not act in a similar way in the future.

We are concerned that Mr Brayford's actions have shown a blatant disregard for the fundamental expectation that teachers must maintain appropriate professional boundaries and that he has engaged in a serious and sustained abuse of the position of trust in which he was placed.

In our view, Mr Brayford's conduct has fallen significantly below the standards expected of a 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 fundamental requirement for teachers which is to act in a way which safeguards pupils and ensures their wellbeing. He failed to observe and maintain appropriate professional boundaries, engaged in an inappropriate relationship with a student and he behaved in a manner towards a student which



was sexually motivated – our view is that his actions fundamentally depart from the standards of conduct which can appropriately be expected of the profession.

We have considered whether to conclude this case without recommending the imposition of a sanction. We have decided that the issues raised in this case are so serious that it is necessary to recommend that a Prohibition Order is appropriate. We have reached this decision after careful consideration. 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. A Prohibition Order is necessary and proportionate in this case in order to reflect the seriousness of Mr Brayford's behaviour as well as to uphold public trust and confidence and standards of conduct expected of the profession.

We carefully considered whether to allow Mr Brayford the opportunity to apply for the Prohibition Order to be reviewed. We have been significantly concerned that Mr Brayford has not shown insight or reflection in relation to his behaviour. We are concerned, given his age and experience, that he did not show an apparent concern for safeguarding provisions or, when interviewed by police, acknowledge the importance of maintaining appropriate professional boundaries.

In our decision, which reflects the evidence we have reviewed as part of this case, we are concerned that Mr Brayford represents a risk to the safety and wellbeing of children. In addition to ensuring that we protect children we are aware of our responsibility to protect the reputation of the profession and to maintain confidence in the standards expected of the profession. For these reasons we have decided that it would not be appropriate to recommend that Mr Brayford be given the opportunity to apply to review the Order.

### **Secretary of State's Decision and Reasons**

I have given very careful consideration to the case and to the recommendation of the panel in respect of its findings and in terms of its recommendations regarding sanction.

Mr Brayford has behaved in a way that shows a blatant disregard for the clear expectation that teachers must maintain appropriate professional boundaries. In addition he has engaged in a serious and sustained abuse of the position of trust in which he was placed. His behaviour showed no concern for safeguarding provisions and when interviewed by police, he failed to acknowledge the importance of maintaining appropriate professional boundaries.

Mr Brayford engaged in an inappropriate relationship with a student and behaved in a manner towards Student A which was sexually motivated. Those actions are a fundamental departure from the standards of conduct which can be expected of the profession.

I therefore support the recommendation that Mr Brayford is prohibited from teaching.

I have also considered the issue of a review period. Mr Brayford has shown no insight into his behaviour. In addition his behaviour represents an on-going concern and a significant risk to the reputation of the profession. I support the recommendation that there be no review period.

This means that Mr Paul Brayford 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 Paul Brayford 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 Paul Brayford 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: 11 February 2013**