



National College for
Teaching & Leadership

Mr Mark Andrew Poulter: Professional conduct panel outcome

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

July 2016

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	5
Documents	5
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	14

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

Teacher:	Mr Mark Andrew Poulter
Teacher ref number:	8559623
Teacher date of birth:	1 September 1962
NCTL case reference:	14956
Date of determination:	14 July 2016
Former employer:	The Harefield Academy, London Borough of Hillingdon

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 14 July 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Mark Andrew Poulter.

The panel members were Dr Robert Cawley (teacher panellist – in the chair), Mr Peter Cooper (teacher panellist) and Ms Karen McArthur (lay panellist).

The legal adviser to the panel was Ms Claire Bertram of Eversheds LLP.

The presenting officer for the National College was Ms Katie Henderson/Ms Rachel Cooper of Nabarro LLP.

As this was a meeting, the parties were not present.

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

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 15 June 2016.

It was alleged that Mr Mark Andrew Poulter was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that as principal and head of safeguarding at Harefield Academy, Mr Poulter failed to maintain appropriate professional boundaries and appropriate professional standards in that:

1. He had inappropriate physical contact with female pupils as follows:
 - a. Pupil A he squeezed her waist on one or more occasions and/or grabbed her nose and/or kicked her feet,
 - b. Pupil B he squeezed her waist on one or more occasions,
 - c. Pupil C he touched the bottom of her back,
 - d. Pupil D he put his hands on her hips whilst standing behind her,
 - e. Pupil E he squeezed and/or grabbed her waist on one or more occasion;
2. His actions set out at 1 above made the pupils feel uncomfortable;
3. As principal he failed to appropriately deal with the allegations set out at 1 above in that he:
 - a. Did not ensure that he removed himself from the investigation,
 - b. Failed to take appropriate advice,
 - c. Attempted to resolve matters himself even though the complaint was about him,
 - d. Actively attempted to manage the investigation by:
 - i. Meeting with staff governors,
 - ii. Contacting the chair of governors,
 - iii. Convening a governors panel meeting where he directed the outcome that should be recorded despite no formal investigation having been done and/or the appropriate paperwork not being available to the meeting attendees;

4. By his actions set out at 3 above he demonstrated that he attempted to manipulate the correct process/procedure to ensure that the outcome of the investigation was favourable to him.

In the Statement of Agreed Facts, Mr Poulter admitted the facts of the allegations and that they amounted to unacceptable professional conduct.

C. Preliminary applications

Whilst there were no preliminary applications, the panel considered at the outset whether the allegation should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegations have been admitted, that Mr Poulter had requested a meeting, and the panel had the benefit of his representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing were convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 5

Section 2: Notice of Proceedings and response – pages 7 to 14b

Section 3: NCTL witness statements – pages 16 to 23

Section 4: NCTL documents – pages 25 to 241

Section 5: Teacher documents – pages 243 to 244

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

Witnesses

The matter was convened as a meeting and no oral evidence was heard.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before us and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Mark Poulter was employed as the principal of The Harefield Academy ("the School") in the London Borough of Hillingdon.

On one or more occasions, whilst walking from the boarding house to the School, it is alleged that Mr Poulter squeezed/grabbed Pupil E's waist. Between September 2014 and October 2014, it is alleged that Mr Poulter touched the bottom of Pupil C's back in order to move her into the classroom. Between September 2014 and March 2015, during maths sessions in Mr Poulter's office, it is alleged that Mr Poulter squeezed Pupil A's waist on one or more occasion, grabbed Pupil A's nose on one occasion, kicked Pupil A's feet under the table, and squeezed Pupil B's waist on one or more occasion. In January 2015, it is alleged that Mr Poulter put his hands on Pupil D's hips after Pupil D refused to go to class.

On 17 March 2015, Pupils A and B disclosed to Individual A (student manager) what is alleged to have happened in the maths sessions. Mr Poulter was informed by Individual B (safeguarding officer), that allegations had been made against him. On 19 March 2015, the allegations were also reported to the Local Authority Designated Officer ("LADO"), Individual C. On 20 March 2015, the LADO received a complaint from one of the pupils' parents in regard to the way the school was investigating the allegations.

On 24 March 2015, it was agreed during a multi-agency meeting that the school needed to carry out an internal investigation. It was also agreed that Mr Poulter would not attend school between 23 March 2015 and 24 March 2015. On 25 March 2015, Mr Poulter returned to the school. He declined to provide a statement for the purpose of the internal investigation and led a governors' meeting in which he proposed that he should be reprimanded and that this meeting superseded the need for an internal investigation. The events of this meeting were reported to the LADO and an independent investigation was commissioned by the School on 17 April 2015.

In July 2015, following the independent investigation, a further multi-agency meeting was held where it was decided that the School should hold a disciplinary hearing in respect of

the allegations against Mr Poulter. On 20 August 2015, Mr Poulter resigned from his role as principal with effect from 21 August 2015.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

1. You had inappropriate physical contact with female pupils as follows:

a. Pupil A you squeezed her waist on one or more occasions and/or grabbed her nose and/or kicked her feet,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19). In his statement dated 16 April 2015 (page 19), Mr Poulter also admits to “jolting” a pupil in the sides and nudging her feet on a couple of occasions. Mr Poulter also refers to jolting (“two fingers at the side”) / touching Pupil A’s sides and nudging the feet of Pupils A and B in his first and second interviews with the independent investigating officer, Individual D (pages 120 to 127, 128 to 141).

The panel has also seen the contemporaneous notes of Individual A to whom this incident was initially reported on 17 March 2015 (pages 47).

The panel was therefore satisfied that this allegation was proven.

b. Pupil B you squeezed her waist on one or more occasions,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

The panel has also seen the contemporaneous notes of Individual A to whom this incident was initially reported to on 17 March 2015 (pages 48).

The panel noted that there was less supporting evidence for what was alleged to have happened with Pupil B than for Pupil A.

On balance, the panel was satisfied that this allegation was proven.

c. Pupil C you touched the bottom of her back,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

The panel has also seen the written statement of Pupil C (page 161).

In his third interview with Individual D, Mr Poulter states that he does not recall the incident in which he is alleged to have touched the bottom of Pupil C's back (pages 142 to 146).

On balance, the panel was satisfied that this allegation was proven.

d. Pupil D you put your hands on her hips whilst standing behind her,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

The panel has also seen the written statement of Pupil D (page 162).

In his third interview with Individual D, Mr Poulter states that he does not recall the incident in which he is alleged to have put his hands on Pupil D's hips (pages 142 to 146).

On balance, the panel was satisfied that this allegation was proven.

e. Pupil E you squeezed and/or grabbed her waist on one or more occasion;

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

The panel has also seen the written statement of Pupil E (page 163).

In his third interview with Individual D, the panel notes that Mr Poulter denies that he would have squeezed Pupil E's waist (or grabbed it) (pages 142 to 146).

On balance, the panel was satisfied that this allegation was proven.

2. Your actions set out at 1 above made the pupils feel uncomfortable;

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

The panel has also seen the written statements of Pupils C, D and E (pages 161 to 163) and the notes of the initial meetings with Pupils A and B (pages 47 to 49). Pupils A and B specifically state that they felt uncomfortable. Pupil C stated that she found Mr Poulter's actions "strange". Pupil D stated that she said to Mr Poulter "Don't touch me". Pupil E stated that she did not "think anything bad" of Mr Poulter's actions, though the panel noted that she said this was because she had seen him do it to other female students.

The panel has also seen the interview notes of those who spoke to the pupils about the allegations, including Individual A and Individual E (social worker) (pages 103 – 113), which support the allegation that Mr Poulter made Pupils A and B feel uncomfortable.

The panel was therefore satisfied, on the balance of probabilities, that this allegation was proven.

3. As Principal you failed to appropriately deal with the allegations set out at 1 above in that you:

a. Did not ensure that you removed yourself from the investigation,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

Mr Poulter also admits this in his first and second interviews with Individual D (pages 120 to 127, 128 to 136).

The panel has also seen the interview notes of other members of staff who refer to Mr Poulter failing to remove himself from the investigation, for example, by leading the meeting on 25 March 2015, including those from Individual B (pages 64 to 71) and Individual F (pages 81 to 91).

The panel was therefore satisfied that this allegation was proven.

b. Failed to take appropriate advice,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

The panel notes that various people attempted to give Mr Poulter advice, which he did not follow. For example, Individual F refers to trying to talk him through the process for an internal investigation but explains that Mr Poulter stopped her talking and stated that he would not be providing a statement in case it was used by a lawyer against him at a later date (page 87). Individual F also refers to trying to explain to Mr Poulter what the proper safeguarding process was (as he was not following it) but she was dismissed from his office (page 87).

The panel also notes that Mr Poulter disregarded the advice provided in the School's policies and procedures in respect of how to deal with investigations involving the principal. The School's disciplinary policy and procedure specifically states "Where the principal is not considered to be suitable to hear the case, either because they have previously been involved in the case e.g. as part of the investigation, or they are the investigating officer, or could not be seen as being impartial, or for any other valid reason, the case should be considered by a disciplinary hearing panel consisting of 3 other governors" (page 189).

The panel was therefore satisfied that this allegation was proven.

c. Attempted to resolve matters yourself even though the complaint was about you,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

Mr Poulter also admits this in his first and second interviews with Individual D (pages 120 to 127, 128 to 136). The panel has also seen the interview notes of other members of staff who refer to Mr Poulter trying to resolve the complaint himself, including those from Individual B (pages 64 to 71) and Individual F (pages 81 to 91). In her interview, Individual F refers to the meeting on 25 March 2015. She states that Mr Poulter asked the group at the meeting if they agreed to him receiving “a spanking” from the governors for his ill judgement and a letter from HR saying no malice was intended but he had acted in ill judgement (page 88).

The panel was therefore satisfied that this allegation was proven

d. Actively attempted to manage the investigation by:

i. Meeting with staff governors,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 – 19) and in his first interview with Individual D (pages 120 to 127). This is also referred to in the interview notes of Individual G (a non-teaching staff governor) (pages 148 to 153).

The panel was therefore satisfied that this allegation was proven.

ii. Contacting the chair of governors,

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 – 19) and in his first interview with Individual D (pages 120 – 127).

The panel was therefore satisfied that this allegation was proven.

iii. Convening a governors Panel meeting where you directed the outcome that should be recorded despite no formal investigation having been done and/or the appropriate paperwork not being available to the meeting attendees;

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19). Mr Poulter also admits this in his first and second interviews with Individual D (pages 120 to 127, 128 to 136). The panel has also seen the interview notes of other members of staff who refer to this meeting, including those from Individual B (pages 64 to 71) and Individual F (pages 81 to 91). Individual F specifically commented in her interview that she thought that information was being held back (page 89). As stated above, Individual F also refers to Mr Poulter asking the group at the 25

March 2015 meeting if they agreed to him receiving “a spanking” from the governors for his ill judgement and a letter from HR saying no malice was intended but he had acted “in ill judgement” (page 88).

The panel was therefore satisfied that this allegation was proven

4. By your actions set out at 3 above demonstrated that you attempted to manipulate the correct process/procedure to ensure that the outcome of the investigation was favourable to you.

Mr Poulter admitted this allegation in the Statement of Agreed Facts signed by him on 15 May 2016 (pages 16 to 19).

The panel noted that it was clear from the admissions of Mr Poulter and the statements of others (particularly those of Individual F and Individual B) that Mr Poulter had deliberately bypassed the school’s policies and procedures and, in the 25 March 2015 meeting, tried to dictate the outcome of the investigation to ensure that he received no more than a “spanking” and a letter on his record stating that he had shown ill judgement.

The panel was therefore satisfied that this allegation was proven.

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

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Poulter in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to part two, Mr Poulter 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, and maintain high standards in their own attendance and punctuality.

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

The panel is satisfied that the conduct of Mr Poulter fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Poulter's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

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

The panel finds that Mr Poulter's actions, particularly in his role as a principal, constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In light of the panel's findings against Mr Poulter, which involved inappropriate physical contact with pupils and a complete failure to ensure that the allegations made against him were investigated appropriately, there is a strong public interest consideration in respect of the protection of pupils. Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Poulter, particularly in his role as a principal, were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Poulter.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Poulter. 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 proven. 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; and
- Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be calculated and motivated. Mr Poulter has not offered any mitigation.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Poulter. Mr Poulter's cavalier disregard for safeguarding policies, his lack of awareness, and his attempt to prevent this matter from being dealt with appropriately were all significant factors in forming that opinion. Accordingly, the panel makes 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 for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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.

Mr Poulter does not appear to have expressed any remorse for his actions and has shown a continuing lack of awareness of the seriousness of his actions. He has also

failed to co-operate fully with the investigation at any stage and has stated that the “whole matter” is “totally ridiculous and insulting.” However, the panel was of the view that the shortcomings of Mr Poulter’s actions and attitude could potentially be overcome. Therefore, the panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 5 years.

Decision and reasons on behalf of the Secretary of State

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

This is a case where all of the facts have been found proven and where the panel has found conduct that is likely to bring the profession into disrepute.

The panel has found that Mr Poulter 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

I am also satisfied that the conduct of Mr Poulter fell significantly short of the standards expected of the profession.

I have taken into account the guidance published by the Secretary of State. The guidance suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. 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; and
- Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

I have also taken into account the need to balance the interests of Mr Poulter and the wider public interest. I have taken into account the need to be proportionate.

I support the recommendation of the panel and agree that Mr Poulter should be prohibited.

I have also considered carefully the matter of a review period. I have noted the comments of the panel and for the reasons given I agree that a 5 year review period is appropriate and proportionate.

This means that Mr Mark Poulter 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 22 July 2021, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Mark Poulter remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Mark Poulter 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.



Decision maker: Alan Meyrick

Date: 15 July 2016

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