



Teaching  
Regulation  
Agency

# **Mr Brendan Maguire & Mr Kevin Boyle: Professional conduct panel outcome**

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

**October 2018**

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

**Teachers:** Mr Brendan Maguire & Mr Kevin Boyle

**Teacher ref number:** 0334655 / 7549767

**Teacher date of birth:** 03 May 1971 / 13 April 1957

**TRA reference:** 16809 / 16810

**Date of determination:** 11th October 2018

**Former employer:** Oaklands School, Winsford, Cheshire

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 8 to 11 October 2018 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Brendan Maguire and Mr Kevin Boyle.

The panel members were Mr Peter Cooper (teacher panellist – in the chair), Ms Jean Carter (lay panellist) and Ms Kathy Thompson (former teacher panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

The presenting officer for the TRA was Ms Louisa Atkin of Browne Jacobson LLP solicitors.

Mr Maguire was present and was represented by Mr Andrew Faux (Counsel). Mr Boyle was present and represented by Mr Jonathan Storey (Counsel)

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations against **Mr Maguire** as set out in the Notice of Proceedings dated 9 August 2018.

It was alleged that Mr Maguire was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as assistant headteacher and/or whilst having responsibility as the designated safeguarding lead at Oaklands School, he:

1. Failed to take appropriate action and/or ensure appropriate action was taken with respect to a safeguarding disclosure concerning Pupil A in or around January 2015, in that he did not ensure the disclosure was reported to the police and/or Local Authority;
  - a. despite being provided with information by Pupil A's mother on or around 14 January 2015 to the effect that Pupil A's boyfriend had forced her to undertake a sexual act against her wishes;
  - b. despite recording the disclosure as "an allegation of inappropriate sexual coercion" on a form he completed on or around 16 January 2015;
  - c. despite one or more conversations with the School Counsellor regarding the disclosure in January and/or February 2015;

The panel also considered the allegations against **Mr Boyle** as set out in the Notice of Proceedings dated 9 August 2018.

It was alleged that Mr Boyle was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as headteacher at Oaklands School, he:

1. Failed to take appropriate action and/or ensure appropriate action was taken with respect to a safeguarding disclosure concerning Pupil A in or around January 2015, in that he did not ensure the disclosure was reported to the police and/or the Local Authority;
  - a. despite being made aware of the disclosure by the School Counsellor on or around 21 January 2015;
  - b. despite receiving a copy of the 'Cause for Concern' form completed by the School Counsellor on or around 10 February 2015.

At the start of the hearing Mr Maguire admitted the preamble to factual allegation 1 in full. He also admitted sub-particulars 1.b and 1.c and sub-particular 1.a in part. In relation to to factual particular 1.a Mr Maguire accepted that he had been provided with information by Pupil A's mother that amounted to her suspicion of a sexual act/assault having been

committed in relation to her daughter but disputed that he had been made aware of the detail as described in the latter part of factual sub-particular 1.a. The allegations of unacceptable professional conduct and/or conduct that may bring the profession into disrepute were also denied.

At the start of the hearing Mr Boyle admitted the preamble to factual allegation 1 in full except for the part in line one that stated 'take appropriate action and/or' . Sub-particulars 1.a and 1.b were denied in full. The allegations of unacceptable professional conduct and/or conduct that may bring the profession into disrepute were also denied.

At the end of the TRA's evidence the presenting officer applied to withdraw factual particular 1.d against Mr Maguire. This amendment was accepted and made by the panel.

## **C. Preliminary applications**

The representatives had agreed that the previously predominantly redacted page 214 of the bundle could be placed in front of the panel in unredacted form. The panel therefore replaced page 214 in their bundles with an unredacted version of this page.

The Presenting Officer applied for witness Witness B to give evidence by way of video-link. At a telephone case management hearing on 1<sup>st</sup> October a panel had directed that attempts should be made to bring Witness B to the hearing by taxi, therefore enabling her to give live evidence in the presence of the panel. The panel further directed that should her health issues be such that travel to the hearing venue by taxi was not possible she should give her evidence by video-link in the presence of a representative of the TRA. Having heard evidence that travelling to the hearing venue by taxi would be likely to cause Witness B significant discomfort due to her ill-health and having heard the teachers' representatives were agreeable to her evidence being provided by way of video-link, the panel deemed it appropriate for Witness B to give her evidence remotely by this method. The panel deemed Witness B a vulnerable witness whose quality of evidence might be affected adversely, due to her physical impairments, should she have to attend the hearing venue. The panel was content that it was necessary in order to safeguard the witness's interests and to ensure that the panel received the best possible evidence, for Witness B to give her evidence by way of video-link.

## **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 4

Section 2: Notice of Proceedings and response – pages 6 to 19

Section 3: Teaching Regulation Agency witness statements – pages 21 to 28

Section 4: Teaching Regulation Agency documents – pages 30 to 277

Section 5: Documents submitted on behalf of Mr Maguire – pages 279 to 430

Section 6: Documents submitted on behalf of Mr Boyle – 432 to 596.

In addition, the panel agreed to accept the following (on the agreement of the presenting officer and both representatives) documents in support of Mr Boyle's case:

A set of Cause and Concern forms from the Visyon system – paginated as pages 597 to 605 – some of which were duplicates of documents already in the bundle.

The panel also, at a late stage, agreed to accept the following (on the agreement of the presenting officer and both representatives) document in support of Mr Maguire's case:

Mr Maguire's expenses claim for 21<sup>st</sup> January 2015 travel to Manchester – paginated as page 430a.

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

## **Witnesses**

The panel heard oral evidence from:

1. Witness A – Independent Consultant in School Governance and Safeguarding Children who conducted the investigation into the relevant events at Oaklands School and was the author of the Investigation Report.
2. Witness B – Senior Counsellor with Visyon who at the relevant time provided counselling services at Oaklands School.
3. Mr Maguire.
4. Mr Boyle.
5. Witness C – a member of the office staff at Oaklands School, working in support of Mr Maguire.
6. Witness D – Chair of the Cheshire West Association of Primary Heads at the relevant time.

## E. Decision and reasons

The panel announced its decision and reasons as follows:

We have 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 is a case concerning the headteacher and assistant headteacher (who was also the designated safeguarding lead) of Oaklands School (“the School”) in Cheshire who were alleged to have failed to take appropriate safeguarding disclosure action following receipt of information that a pupil at the school may have been involved in inappropriate sexually activity.

### Findings of fact

Our findings of fact are as follows:

#### Mr Maguire

We have found the following particulars of the allegations against **Mr Maguire** proven, for these reasons:

**In that whilst employed as Assistant Head Teacher and/or whilst having responsibility as the Designated Safeguarding Lead at Oaklands School, you:**

- 1. Failed to take appropriate action and/or ensure appropriate action was taken with respect to a safeguarding disclosure concerning Pupil A in or around January 2015, in that you did not ensure the disclosure was reported to the police and/or Local Authority;**
  - a. despite being provided with information by Pupil A's mother on or around 14 January 2015 to the effect that Pupil A's boyfriend had forced her to undertake a sexual act against her wishes;**

The preamble to this allegation was admitted by Mr Maguire on the basis of his admission to particular 1.a and full admissions in relation to particulars 1.b and 1.c. In relation to particular 1.a this was only in dispute with regard to the fact that Mr Maguire had been provided with information to the effect that Pupil A had been forced to undertake a sexual act against her wishes. We find it proved that he was aware of this information on or around 14 January 2015 and therefore that particular 1.a is proved in full. We find that the note produced by Mr Maguire at page 30 of the bundle was prepared by him after a conversation with Pupil A's mother on 14<sup>th</sup> January in which he was told the detail that is contained in the note. The detail in the note includes reference to Pupil A having been forced to undertake a sexual act with her boyfriend against her wishes. The note would not be drafted in the way that it is if it were not a note outlining

the content of his conversation with Pupil A's mother. There is no other explanation as to why, for example, reference is made towards the bottom of the note that Mr Maguire had made an appointment for Pupil A's mother to speak to Witness B. Other evidence confirms to us that on 21<sup>st</sup> January Witness B met with both Pupil A, and her mother on the direction of Mr Maguire and the approval of Mr Boyle.

It follows therefore, that we find the preamble proved in full and particular 1.a proved in full.

**b. despite recording the disclosure as "an allegation of inappropriate sexual coercion" on a form he completed on or around 16 January 2015;**

This particular was admitted by Mr Maguire. The note dated 16<sup>th</sup> January (bundle page 30) clearly shows the disclosure related to an 'allegation of inappropriate sexual coercion'. We therefore find this particular proved.

**c. despite one or more conversations with the School Counsellor regarding the disclosure in January and/or February 2015;**

This particular was admitted by Mr Maguire. We find it proved as Mr Maguire fully accepts that he discussed the disclosure with Witness B in January 2015 and we accept the accuracy of her note of February 2015 (bundle page 597) that she followed matters up with Mr Maguire on 28<sup>th</sup> January 2015. This confirms that Mr Maguire and Witness B spoke about the disclosure over the relevant period.

## **Mr Boyle**

We have found the following particulars of the allegations against **Mr Boyle** proved, for these reasons:

**In that whilst employed as Head Teacher at Oaklands School, you:**

**1. Failed to take appropriate action and/or ensure appropriate action was taken with respect to a safeguarding disclosure concerning Pupil A in or around January 2015, in that you did not ensure the disclosure was reported to the police and/or the Local Authority;**

**a. despite being made aware of the disclosure by the School Counsellor on or around 21 January 2015;**

We find this particular proved. We accept the evidence provided by way of Witness B's Cause for Concern form dated 10<sup>th</sup> February 2015 that, following her conversation with Pupil A and Pupil A's mother on 21<sup>st</sup> January 2015, she discussed matters (which clearly amount to a safeguarding disclosure) with Mr Boyle. The document (bundle page 597) is clear that this conversation took place with Mr Boyle on or around 21<sup>st</sup> January 2015. It must follow that such a conversation included reference to the detail provided by Pupil A

and her mother as referenced in the Cause for Concern form. We also noted, and were assisted by the fact that on the back of the information provided, Mr Boyle had approved the request made by Mr Maguire for Pupil A's mother to have counselling at the school.

**b. despite receiving a copy of the 'Cause for Concern' form completed by the School Counsellor on or around 10 February 2015.**

We find this particular proved. We accept the evidence of Witness B, who we found to be a credible witness throughout, who stated that she passed the 'Cause of Concern' form to Mr Boyle on or soon after 10 February 2015.

We also find the preamble proved in full, including the disputed fact as to whether Mr Boyle had failed to 'take appropriate action ...' as well as failed to 'ensure' appropriate action was taken. It seems clear to us that a failure to ensure appropriate action was taken, as was admitted and is found proved, also amounts to a failure to take appropriate action.

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

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

In doing so, we have had regard to the document Teacher Misconduct: The Prohibition of Teachers, which we refer to as "the Advice".

**Mr Maguire**

We are satisfied that the conduct of **Mr Maguire** in relation to the facts found proven, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Mr Maguire 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:
  - 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

We are satisfied that the conduct of Mr Maguire amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession and therefore amounts to unacceptable professional conduct.

Despite being assistant headteacher and designated safeguarding lead at the school he failed to take any substantial action in relation to disclosure made to him of a safeguarding issue involving a 14 year old girl having allegedly been the victim of inappropriate sexual coercion involving her allegedly having been forced to undertake a sexual act against her wishes. There was no referral made by Mr Maguire to the local authority or the police. In terms of safeguarding, such a course of action was clearly required in these circumstances. Mr Maguire was an experienced senior leader in a special school who had undergone safeguarding training and he should have been fully aware of his responsibility to protect this vulnerable pupil. We were particularly concerned that Mr Maguire thought that appropriate action was to deal with the matter internally as a pastoral issue rather than refer the matter to the appropriate authority.

We have 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. We have 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

We therefore find that Mr Maguire's actions also constitute conduct that may bring the profession into disrepute. The safety of pupils must be paramount and it is essential that school leaders follow safeguarding procedures rigorously. Parents and the public rely on schools to comply fully with all safeguarding requirements.

## **Mr Boyle**

We are satisfied that the conduct of **Mr Boyle** in relation to the facts found proven, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Mr Boyle 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:
  - 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

We are satisfied that the conduct of Mr Boyle amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession and therefore amounts to unacceptable professional conduct.

As headteacher at the school he admitted that he had overall responsibility for all safeguarding issues in the school. Despite this, he failed to take any substantial action in relation to disclosure made to him of a safeguarding issue involving a 14 year old girl having allegedly been the victim of inappropriate sexual coercion involving her allegedly having been forced to undertake a sexual act against her wishes. There was no referral made by the School to the local authority or the police. In terms of safeguarding, such a course of action was clearly required in these circumstances. Mr Boyle was a very experienced headteacher and associate OFSTED inspector who had undergone extensive safeguarding training and he should have been fully aware of his responsibility to implement and monitor proper safeguarding procedures at the School. We particularly noted that he failed to take action after being informed on 21<sup>st</sup> January 2015 about the incident reported to the school by Pupil A's mother on 14<sup>th</sup> January 2015. He had a further opportunity to deal with the issue in February 2015. We noted that he did not manage this safeguarding incident in an appropriate or effective manner and that there was no systematic monitoring of safeguarding matters.

We have 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. We have 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

We therefore find that Mr Boyle's actions also constitute conduct that may bring the profession into disrepute. The safety of pupils must be paramount and it is essential that school leaders follow safeguarding procedures promptly and effectively. Parents and the public rely on schools to comply fully with all safeguarding requirements. Furthermore, the standards of compliance must be rigorously monitored by the Head Teacher.

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

Given the panel's findings in respect of unacceptable professional conduct/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 on Mr Maguire and/or Mr Boyle.

In considering whether to recommend to the Secretary of State that a prohibition order should be made in relation to a teacher, 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 the declaring and upholding proper standards of conduct. The panel has also considered very carefully the benefits that could follow from the retention of Mr Maguire and Mr Boyle in the profession.

## Mr Maguire

In light of the panel's findings against **Mr Maguire**, which involved serious safeguarding failures relating to a vulnerable 14 year old girl attending a special school (as described above), 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 Maguire 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 Maguire was outside that which could reasonably be tolerated.

Mr Maguire was in a key designated safeguarding role. He was an experienced teacher who had been trained in safeguarding. The headteacher relied on him as a senior leader. Despite this, he allowed a serious incident to go unreported and this demonstrated a cavalier attitude to safeguarding policies and procedures. He by-passed good safeguarding practice by wrongly applying his own judgment on a clear and significant safeguarding matter. Mr Maguire chose to deal with the matter internally as a pastoral issue. He thereafter failed to follow up on matters surrounding the facts that he was aware of.

In view of 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 Maguire.

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 Maguire. 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;
- misconduct seriously affecting the well-being of pupils, and particularly where there is a continuing risk;

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. Mr Maguire has a previously good record but, crucially, in the panel's view, has not properly accepted responsibility for his actions and failed to show any genuine insight into his own responsibility in relation to this serious incident.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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 Maguire. Mr Maguire's lack of real insight into the seriousness of his failures was a significant factor in the panel's 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.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The facts of Mr Maguire's case do not appear within the list of behaviours, which is, of course, not an exhaustive list. 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.

## Mr Boyle

In light of the panel's findings against **Mr Boyle**, which involved a failure to ensure as headteacher of a special school that proper safeguarding actions were taken in the face of serious disclosures made by a vulnerable 14 year old pupil, 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 Boyle 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 Boyle was outside that which could reasonably be tolerated.

Mr Boyle was the headteacher of a special school and failed to ensure proper safeguarding action took place following the disclosure of alleged serious sexual coercion of a 14 year old vulnerable pupil.

In view of 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 Boyle.

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 Boyle. 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;
- misconduct seriously affecting the well-being of pupils, and particularly where there is a continuing risk;

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.

The panel found that Mr Boyle had engaged in depth with the investigatory process and these proceedings and has shown true regret, remorse and insight into what happened. He has had an unblemished and outstanding career. He fully accepted that the events occurred on his watch and has genuinely reflected on how he would prevent such an incident from happening again. He accepts that he should have implemented and

monitored more robust safeguarding systems. He has demonstrated real integrity in accepting his shortcomings and addressing how he would ensure they would not recur.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Boyle. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect. The facts are too serious for any other outcome in this case. Mr Boyle knew of the serious concerns of inappropriate sexual acts having taken place with a 14 year old vulnerable pupil and did not ensure appropriate action was taken.

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 was 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 two years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. It is not an exhaustive list but none of those behaviours were present in this case.

The panel felt the findings indicated a situation in which, particularly taking into account Mr Boyle's level of remorse and insight, 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 two years.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and review period for both Mr Maguire and Mr Boyle.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found allegations 1.a, 1.b, and 1.c proven in the case of Mr Maguire and allegations 1.a and 1.b proven in the case of Mr Boyle. I have noted that the presenting officer withdrew allegation 1.d from the case against Mr Maguire and I have put that matter from my mind entirely. The panel has found that in the case of both Mr Maguire and Mr Boyle, that the allegations proven amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Maguire should be the subject of a prohibition order, with a review period of five years. In the case of Mr Boyle, the panel has made a recommendation to the Secretary of State that he should be the subject of a prohibition order, with a two year review period.

## Mr Maguire

In particular the panel has found that Mr Maguire 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:
  - 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include a finding that Mr Maguire “failed to take any substantial action in relation to disclosure made to him of a safeguarding issue involving a 14 year old girl having allegedly been the victim of inappropriate sexual coercion involving her allegedly having been forced to undertake a sexual act against her wishes.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for the case of Mr Maguire I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Maguire, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “There was no referral made by Mr Maguire to the local

authority or the police. In terms of safeguarding, such a course of action was clearly required in these circumstances. Mr Maguire was an experienced senior leader in a special school who had undergone safeguarding training and he should have been fully aware of his responsibility to protect this vulnerable pupil. "A prohibition order would therefore prevent such a risk from being present in the future to other pupils. I have also taken into account the panel's comments on insight and remorse shown by Mr Maguire, which the panel sets out as follows, "crucially, in the panel's view, has not properly accepted responsibility for his actions and failed to show any genuine insight into his own responsibility in relation to this serious incident."

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "We have 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

I am particularly mindful of the finding of failure to protect a vulnerable pupil in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Maguire himself. The panel set out that, "Mr Maguire has a previously good record but, crucially, in the panel's view, has not properly accepted responsibility for his actions and failed to show any genuine insight into his own responsibility in relation to this serious incident."

A prohibition order would prevent Mr Maguire from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has also referred to the seriousness of Mr Maguire's failures.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Maguire has made to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by full remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period in the case of Mr Maguire. In this case the panel has recommended a 5 year review period.

I have considered the panel's comments concerning the seriousness of Mr Maguire's behaviours and the lack of insight.

I have considered whether a 5 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the behaviour and the lack of insight.

I consider therefore that a five year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Brendan Maguire 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 October 2023, 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 Brenda Maguire remains prohibited from teaching indefinitely.

## Mr Boyle

In the case of Mr Boyle, the panel has found that Mr Boyle 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:
  - 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include a finding that Mr Boyle “failed to take any substantial action in relation to disclosure made to him of a safeguarding issue involving a 14 year old girl having allegedly been the victim of inappropriate sexual coercion involving her allegedly having been forced to undertake a sexual act against her wishes.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for the case of Mr Boyle I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Boyle, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “Mr Boyle was a very experienced Head Teacher and associate OFSTED inspector who had undergone extensive safeguarding training and he should have been fully aware of his responsibility to implement and monitor proper safeguarding procedures at the school. We particularly noted that he failed to take action when after being informed on 21<sup>st</sup> January 2015 about the incident reported to the school by Pupil A's mother on 14<sup>th</sup> January 2015. He had a further opportunity to deal with the issue in February 2015. We noted that he did not manage this safeguarding incident in an appropriate or effective manner and that there was no systematic monitoring of safeguarding matters.”

A prohibition order would therefore prevent such a risk from being present in the future to other pupils. I have also taken into account the panel’s comments on insight and remorse shown by Mr Boyle, which the panel sets out as follows, “Mr Boyle had engaged in depth with the investigatory process and these proceedings and has shown true regret, remorse and insight into what happened. He has had an unblemished and outstanding career. He fully accepted that the events occurred on his watch and has genuinely reflected on how he would prevent such an incident from happening again. He accepts that he should have implemented and monitored more robust safeguarding systems. He has demonstrated real integrity in accepting his shortcomings and addressing how he would ensure they would not recur.”

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “We have 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.

I am particularly mindful of the finding of failure to protect a vulnerable pupil in this case and the impact that such a finding has on the reputation of the profession. The panel also say, “it is essential that school leaders follow safeguarding procedures promptly and effectively. Parents and the public rely on schools to comply fully with all safeguarding requirements. Furthermore, the standards of compliance must be rigorously monitored by the Head Teacher.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Boyle himself. The panel set out that, “He has had an unblemished and outstanding career. “ That is true, but the panel go on to say that “The facts are too serious for any other outcome in this case. Mr Boyle knew of the serious concerns of inappropriate sexual acts having taken place with a 14 year old vulnerable pupil and did not ensure appropriate action was taken.”

A prohibition order would prevent Mr Boyle from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel’s comments concerning the failure of Mr Boyle to ensure that appropriate action was taken.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Boyle has made to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. Although there is clear remorse and insight in this case from Mr Boyle, I have applied greater weight to their comments that, “The facts are too serious for any other outcome in this case.”

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period in the case of Mr Boyle. In this case the panel has recommended a 2 year review period. That is the minimum period set out in the legislation.

I have considered the panel's comments concerning the seriousness of Mr Boyle's behaviours but balanced that with the considerable insight that he has shown.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case I believe that it is. In my view this means that a two year review period is sufficient to achieve the aim of maintaining public confidence in the profession.

**This means that Mr Kevin Boyle 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 October 2020, 2 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 Kevin Boyle remains prohibited from teaching indefinitely.

These orders takes effect from the date on which they are served on the teachers.

Mr Brendan Maguire and Mr Kevin Boyle have a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date they are given notice of these orders.

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

**Decision maker: Alan Meyrick**

**Date: 23 October 2018**

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