



Teaching
Regulation
Agency

Mr Martyn Yallop: Professional conduct panel outcome

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

March 2021

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

Teacher:	Mr Martyn Yallop
Teacher ref number:	0686188
Teacher date of birth:	23 March 1983
TRA reference:	17282
Date of determination:	3 March 2021
Former employer:	Arthur Terry School, Sutton Coldfield, West Midlands

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 1 to 3 March by virtual hearing, to consider the case of Mr Martyn Yallop.

The panel members were Mrs Caroline Tilley (lay panellist – in the chair), Ms Jo Palmer-Tweed (teacher panellist) and Mr Adnan Qureshi (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP.

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP.

Mr Yallop was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 22 December 2020.

It was alleged that Mr Yallop was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. Whilst employed as a Teacher of Maths at the Arthur Terry School in Sutton Coldfield, between January 2012 and December 2018, he failed to maintain appropriate professional boundaries and/or engaged in an appropriate relationship with Pupil A from approximately March 2018, by;
 - a. communicating with Pupil A via social media;
 - b. going to the park with Pupil A and/or meeting Pupil A at the park;
 - c. allowing Pupil A in his vehicle;
 - d. [REDACTED]
 - e. [REDACTED]
 - f. [REDACTED]
2. After his employment at the Arthur Terry School in Sutton Coldfield, he engaged in an inappropriate relationship with Pupil A in or around 2019, by;
 - a. communicating with Pupil A via Skype and/or Snapchat;
 - b. posting one or more comments on Twitter and/or Instagram which related to Pupil A;
3. One or more aspects of his conduct as may be found proven at 1 and/or 2 above;
 - a. was conduct of a [REDACTED] and/or was sexually motivated;
 - b. demonstrated a lack of insight into previous advice and/or guidance he had been given by the school, including;
 - i. in or around May 2013, to maintain a level of professional distance with pupils and/or the need for his social networking activity private;
 - ii. in or around May 2017, to maintain a professional boundary with Pupil A;
 - iii. in or around June 2017, to not be in a one to one situation with Pupil A without the presence of other members of staff and/or other members of staff being aware of the situation;
 - iv. in or around June 2017, to not spend time with Pupil A.

In his response to the Notice of Proceedings, Mr Yallop has denied the facts of the allegations, and having made no admission that the facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, is taken to have denied this.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new Teacher Misconduct Disciplinary procedures for the teaching profession were published in May 2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the “April 2018 Procedures”) apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

The panel has considered whether this hearing should continue in the absence of the teacher.

The panel is satisfied that TRA has complied with the service requirements of paragraph 19 a to c of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel is also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the “Procedures”).

The panel has determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel has taken as its starting point the principle from *R v Jones* [2003] 1 AC1, that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162.

In making its decision, the panel has noted that the teacher may waive his/her right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of *R v Jones*.

- i) Mr Yallop has responded to the Notice of Proceedings to confirm that he does not wish to attend the hearing. No reason has been provided by him for not attending the hearing, nor has he requested an adjournment. The panel therefore considers that Mr Yallop has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.
- ii) There is no indication that an adjournment would be likely to lead to Mr Yallop attending, nor is it known how long such an adjournment would be. The panel notes that five days have been allocated for this case.
- iii) Mr Yallop is not represented, and has declined the opportunity to be represented at this hearing.
- iv) The panel has the benefit of Mr Yallop's denial of the allegations, but he has not provided any representations in his defence. The panel has, however, noted that there are five witnesses relied upon to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of it reaching the wrong decision as a result of not having heard the teacher's account.
- v) No reason has been given by Mr Yallop for not attending the hearing.
- vi) The panel has recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that he be prohibited from teaching.
- vii) The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The allegations include reference to Pupil A with whom it is alleged the teacher had an inappropriate relationship. Pupil A and her family will have an interest in having the allegations determined within a reasonable timeframe. The conduct alleged is said to have taken place whilst Mr Yallop was employed at the Arthur Terry School (the "School"). The School will have an interest in this hearing taking place in order to move forwards.
- viii) The panel also notes that there are five witnesses who are prepared to give evidence, including Pupil A's father and two of her fellow former pupils at the School. The panel's view is that it could be inconvenient and distressing for them to return again. Additionally, delaying the case may impact upon the

memories of those witnesses, particularly since some of the matters alleged are said to have taken place approximately three years ago.

The panel has decided to proceed with the hearing in the absence of the teacher. The panel considers that in light of the Mr Yallop's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses. On balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

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 1 to 3

Section 2: Notice of Proceedings and response – pages 4 to 15

Section 3: Teaching Regulation Agency witness statements – pages 16 to 106

Section 4: Teaching Regulation Agency documents – pages 107 to 158

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

Witnesses

The panel heard oral evidence from the designated safeguarding lead, a Detective Constable of West Midlands Police, the father of Pupil A, and two former pupils of the School.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Since 1 January 2013, Mr Yallop was employed as a teacher of Mathematics at the School. After concerns were raised regarding Mr Yallop's conduct he was arrested by the police. He resigned from his position at the School on 20 December 2018. No further action was taken by the police.

Findings of fact

The findings of fact are as follows:

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

- 1. Whilst employed as a Teacher of Maths at the Arthur Terry School in Sutton Coldfield between January 2012 and December 2018, you failed to maintain appropriate professional boundaries and/or engaged in an inappropriate relationship with Pupil A from approximately March 2018, by**
 - a. communicating with Pupil A via social media;**
 - b. going to the park with Pupil A and/or meeting Pupil A at the park;**
 - c. allowing Pupil A in your vehicle;**
 - d. [REDACTED]**
 - e. [REDACTED]**
 - f. [REDACTED]**

The designated safeguarding lead gave evidence as to the numerous occasions that she had been alerted to concerns regarding Mr Yallop's contact with Pupil A. This included:

- a report by the head of humanities, in May 2017, that he had seen Mr Yallop and Pupil A at the front entrance of the School, approaching 18:00 when the School day finished at 15:05, and he had concerns about the body language he had observed which in his view was inappropriate. This was confirmed to be the case when the designated safeguarding lead watched the CCTV footage;
- despite having been told not to work with Pupil A on a one to one basis, without other staff colleagues being present and aware of the situation, a report was received that Pupil A had been seen leaving school after 17:30 on 7 June 2017 and that it was "thought Pupil A had been working with him". No response was received from Mr Yallop when asked about this;
- on 13 June 2017, two members of staff from the Mathematics department raised concerns regarding Mr Yallop spending time alone with Pupil A after school, and during break and lunch;
- Mr Yallop himself reported a conversation with Pupil A in the Mathematics corridor [REDACTED] after enquiring how she was;
- on 30 June 2017, the headteacher raised concerns about Mr Yallop's body language and eye contact in relation to Pupil A [REDACTED] the previous

evening. She had witnessed Mr Yallop and Pupil A going to areas where there were no other people, contrary to professional advice given prior to the event;

- on 4 May 2018, Pupil B reported her concerns about Pupil A and that she thought Pupil A was finding excuses to see Mr Yallop, although he no longer taught her;
- on 8 May 2018, an anonymous report from Pupil D raising a number of concerns that Pupil A appeared to be “obsessed” with Mr Yallop, that she always tried to use the computer in a room that looked into Mr Yallop’s room. Pupil A had confided that she had an “internet friend” which Pupil D thought might be Mr Yallop. Pupil D reported that Pupil A and Mr Yallop regularly exchanged eye contact during break time and lunch when Mr Yallop was on the balcony. Pupil A was insistent about walking through the C3 corridor (where the Mathematics department was situated) looking out for Mr Yallop and Pupil A regularly went to the Mathematics department after school.

The panel has seen contemporaneous evidence of these reports.

The designated safeguarding lead gave evidence that she told Mr Yallop about what Pupil B had said, and Mr Yallop denied any involvement and said that he had not seen Pupil A alone. She stated that Mr Yallop had appeared very anxious, nervous and was pale and shaky.

The designated safeguarding lead gave evidence that she spoke with Pupil A’s father on 8 May 2018. On 9 May 2018, Pupil A’s father visited the designated safeguarding lead and reported having had a very difficult evening with Pupil A, that Pupil A had said that her internet friend was Mr Yallop and that they were in contact on Twitter.

Pupil A’s father gave evidence that, on the evening of 8 May 2018, Pupil A had told him that she had contact with Mr Yallop on a regular basis on social media and admitted that there had been inappropriate contact and a relationship with Mr Yallop for a while. He stated that Pupil A had told him that she had met Mr Yallop outside school, but did not say on how many occasions. He stated that Pupil A explained that she had met him in Sutton Park, [REDACTED]. Pupil A’s father stated that Pupil A had reiterated the information she had told him to the police when they visited on 9 May 2018. He explained that he had not been present for the whole interview as Pupil A had asked that he leave the room.

The designated safeguarding lead stated that she had spoken with Pupil A in the early afternoon of 9 May 2018. She explained that Pupil A had said that she was worried she may be thrown out of the School “because of him”. She asked Pupil A who “him” was and Pupil A said Mr Yallop and that she thought he was in trouble and might lose his job. She asked Pupil A why, and Pupil A explained that it was because of the Twitter messages she had told her father about. Pupil A told the designated safeguarding lead that Mr Yallop had responded to a post she had made just before the School show that had been

held between 21 – 24 March 2018 and that they had exchanged messages many times a day, mostly after school. When asked whether she had ever met up with Mr Yallop, Pupil A confirmed they had met on 4 May after school. She described how Mr Yallop had picked her up in his car at the gate to the park, that they had walked, talked, [REDACTED].

The police attended Pupil A's home on 9 May 2018 and a record was made of their discussion following the Detective Constable's return to the police station. His record stated that "They began to have a conversation on either Twitter or Instagram which was developed over the weeks. They talked on a number of subjects but she indicated [REDACTED] conversation arose more recently... They have met physically Thursday 3 May 2018 and two weeks before that on a Thursday at Sutton Park". The record describes Pupil A having said that he had worn casual clothes after being at a job interview in Tamworth. [REDACTED].

Although the panel has not received direct evidence from Pupil A, the panel found that the accounts that she gave to the designated safeguarding lead, her father and the police were consistent. The panel was impressed by the credibility of all of the witnesses who gave oral evidence. None appeared to be motivated by anything other than concern for Pupil A. Pupil B had described Pupil A's friendship group as being tightknit and close. Her friendship group had become worried about her in that she was becoming isolated, secretive and was not joining in group activities. Pupil A's father described that he had seen a change in her character with Pupil A becoming more isolated and the activities she had previously enjoyed tailing off. He described Pupil A's emotional state as being deeply distressed when he spoke with her on the evening of 8 May 2018 and that this was out of character. Pupil A's father sensed that she wanted to tell him something, but she was very agitated and initially would not speak at all. It was only after she had been assured that no one would be angry with her that she had made the disclosure. The panel considered that his description of her demeanour was consistent with Pupil A's account being truthful.

The designated safeguarding lead confirmed that Mr Yallop had been attending an interview in Tamworth on one of the days Pupil A stated she had met with Mr Yallop, and the panel were of the view that Pupil A could not have known that unless Mr Yallop had told her, and this was evidence that corroborated her account.

The panel also took account of the numerous reports that the designated safeguarding lead had received from various individuals and was satisfied that it was more likely than not, that these reports had culminated in the contact described in the allegations.

The panel was convinced that in taking account of:

- the credibility of the witnesses who gave oral evidence;
- the reported change to Pupil A's emotional state;
- the growing concerns raised by numerous individuals about Mr Yallop's contact with Pupil A on separate occasions; and
- the consistency of the accounts that Pupil A gave to three separate individuals.

It was more probable than not that each of the sub-paragraphs of allegation 1 had occurred. This clearly breached the boundaries that must be maintained between teacher and pupil, and constituted an inappropriate relationship. The panel found allegation 1 proven in its entirety.

- 2. After your employment at the Arthur Terry School in Sutton Coldfield, you engaged in an inappropriate relationship with Pupil A in or around 2019, by;**
 - a. communicating with Pupil A via Skype and/or Snapchat;**
 - b. posting one or more comments on Twitter and/or Instagram which related to Pupil A;**

The designated safeguarding lead stated that she had received an anonymous report from a fellow student on 26 April 2019 providing numerous web links evidencing that Pupil A was still in contact with Mr Yallop via social media. The designated safeguarding lead stated that she had informed Pupil A's father of this. She also described a report from a colleague sharing concerns that Mr Yallop had tagged Pupil A and addressed a comment to her that stated "you fucking legend" on 26 June 2019. The panel has seen a screenshot of this comment.

Pupil A's father stated that he had subsequently confiscated Pupil A's electronic devices and had found evidence of a Snapchat message from Mr Yallop to Pupil A stating "I love you too sexy baby". He also found records of Skype calls including calls on 17 May 2019 and 18 May 2019. The panel has seen screen shots containing records of these calls. Pupil A's father stated that he also found a number of posts which could relate to Pupil A on Mr Yallop's Twitter account and has provided those posts to the panel.

Pupil D provided evidence that Pupil A had posted a message on her Twitter profile on 26 April 2019 and Mr Yallop replied with an emoji. She also described that when she, Pupil A and other friends had gone on holiday, Mr Yallop had put a photograph on his Instagram story of him and said "have a nice time in [REDACTED]". The panel has seen these screenshots and noted that the latter also stated "Send me lots of photos", "I'll miss u" and "I know u like this photo".

In light of the above evidence and the screenshots seen by the panel, the panel found it more probable than not that Mr Yallop had continued the inappropriate relationship with

Pupil A by communicating with Pupil A in the manner alleged in both sub-paragraphs of this allegation. The panel found this allegation proven in its entirety.

3. One or more aspects of your conduct as may be found proven at 1 and/or 2 above;

a. was conduct of a [REDACTED] and/or was sexually motivated;

The panel has found it proven that, during the meeting at the park, Mr Yallop had [REDACTED] The panel were also of the view that Mr Yallop had cultivated his inappropriate relationship with Pupil A over the passage of time. This was evidenced by the numerous reports expressing concern about his contact with her. Mr Yallop had been working on a one to one basis with Pupil A and had himself made a report on 16 May 2017 that gave rise to concerns about her vulnerability. From the evidence of Pupil A's fellow students, it is apparent that Pupil A was isolating herself from her friends, finding excuses to see Mr Yallop, and exchanging inappropriate eye contact during break time and at lunch. The panel formed the view that Mr Yallop had, under the guise of providing support to Pupil A, developed her dependence upon him and [REDACTED] it was more likely than not that his actions were in pursuit of a sexual relationship with her.

The panel therefore found that this allegation is proven.

b. demonstrated a lack of insight into previous advice and/or guidance you had been given by the school including;

- i. in or around May 2013, to maintain a level of professional distance with pupils and/or the need for your social networking activity private;**
- ii. in or around May 2017, to maintain a professional boundary with Pupil A;**
- iii. in or around June 2017, to not be in a one to one situation with Pupil A without the presence of the other members of staff and/or other members of staff being aware of the situation;**
- iv. in or around June 2017, to not spend time with Pupil A.**

The panel has seen an aide memoire dated 24 May 2013 which referred to Mr Yallop having blurred the boundaries expected of staff, concerns having been reported regarding inappropriate and person discussions with students. The aide memoire referred to expectations that there needed to be a level of professional distance to protect students and himself. It also referred to the necessity for social networking sites to remain private and for vigilance and sensitivity to be administered when using them.

On 23 May 2017, the designated safeguarding lead sent an email to Mr Yallop summarising a conversation she had had with Pupil A after she had received the report referred to above from the head of humanities. This stated, with reference to Pupil A, to “please maintain that professional boundary we talked about...”

In an email dated 8 June 2017, addressed to Mr Yallop, the designated safeguarding lead referred to advice that had been provided about not being in a one to one situation with Pupil A without other staff colleagues around and being aware of the situation.

On 13 June 2017, the designated safeguarding lead sent an email to Mr Yallop stating that “I now need to tell you not to work with [Pupil A], the student we have been discussing. This is not a request but an instruction”.

The panel has seen the above emails and found that Mr Yallop had, in acting as found proven at allegation 1 and 2, breached the advice and guidance with which he had been provided. This allegation was found proven.

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

Having found all of the allegations proved, the panel went on to consider whether the facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Mr Yallop, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The Preamble requires that teachers make the education of their pupils their first concern, and this was evidently breached by Mr Yallop. The panel considered that, by reference to Part 2, Mr Yallop was 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
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including ... the rule of law,

- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability...

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.

With regard to the standard relating to showing tolerance and respect for the rights of others, Pupil A, her family and his fellow professionals have a right to expect Mr Yallop not to breach the teacher pupil boundary and not to cultivate and pursue an inappropriate relationship with her. Furthermore, with regard to ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability, the panel has seen evidence of Mr Yallop sharing techniques for handling Pupil A [REDACTED]. This increased her dependence upon him and he ought to have ensured she received support from those with the right expertise to assist.

The panel was satisfied that the conduct of Mr Yallop amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Yallop's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offence of sexual activity was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place both inside and outside the education setting. It led to Pupil A being subjected to his behaviour in a damaging way, developing a reliance upon him to the serious detriment of her relationship with family and friends. Additionally, these matters have impacted upon Pupil A's education and her academic achievements, with her having to repeat a year to obtain the grades she required. Since [REDACTED], it has become apparent that knowledge of these events is known to another student impacting upon her ability to move on. The panel acknowledged the devastating impact on other pupils in the School, faced with the dilemma of reporting such behaviour and having done so, particularly in the case of Pupil B, feeling ostracised from the friendship group. The panel had sympathy with the designated safeguarding lead and her colleagues who felt understandably upset at the events that had taken place, despite their efforts to follow safeguarding procedures.

Accordingly, the panel was satisfied that Mr Yallop was guilty of unacceptable professional conduct.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can

hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

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

The panel therefore found that Mr Yallop's actions constituted conduct that has brought the profession into disrepute.

Having found the facts of all of the particulars proved, the panel further found that Mr Yallop's conduct amounted to both unacceptable professional conduct and 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 was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found all of them to be relevant in this case, namely the protection of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Yallop which involved his cultivation and pursuit of an inappropriate sexual relationship with a vulnerable pupil, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if Mr Yallop's conduct was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel concluded that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as Mr Yallop's conduct was completely outside that which could reasonably be tolerated.

The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Yallop in the profession as although he may have had some ability as an educator, he fundamentally breached the trust placed in him.

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 Yallop.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Yallop. 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 proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- actions or behaviours that undermine fundamental British values of the rule of law...;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

Notwithstanding that some of the behaviours found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel has found that Mr Yallop's actions were deliberate, calculated and sexually motivated.

There was no evidence to suggest that Mr Yallop was acting under duress. Although there was an indication that Mr Yallop may have had his own [REDACTED], no medical evidence has been presented by Mr Yallop that the panel could take into account.

The panel had limited evidence of Mr Yallop's previous history and noted that he had been provided with advice as far back as 2013 about the need to maintain professional distance and observe requirements regarding social media.

Mr Yallop had not provided any representations for the panel to take into account, nor had he provided any evidence of his good character. The panel noted that Pupil D had not been taught by Mr Yallop but had heard from her friends that Mr Yallop was a good teacher and had good subject knowledge. The panel also noted that references had been

provided at the time Mr Yallop was employed at the School. One of these scored Mr Yallop's performances as average or very good/high in all areas. The panel saw that an investigation had taken place at his previous school following a complaint from a parent about a feed on Mr Yallop's Twitter account, but that Mr Yallop had been cleared of any wrongdoing. Nevertheless, the fact that there had been such an investigation should have served to develop his insight into his conduct with regard to social media. Another reference from the same school scored Mr Yallop as very good or average in all areas but below average for relationship with peers, his ability to communicate with peers and his attendance. This reference noted that Mr Yallop did not always take appropriate action with regard to challenging behaviour and his attitude to the use of authority and maintaining discipline was an area for development.

Mr Yallop has denied the allegations, but has provided no other account to the School, the police nor to this panel.

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 would be sufficient.

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

The panel concluded that a recommendation for prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Yallop. Mr Yallop had taken deliberate advantage of a vulnerable pupil for his own purposes despite receiving guidance, advice and instructions on numerous occasions and having been provided with the appropriate level of support. This has caused a significant ongoing impact on Pupil A, and has been to the serious detriment of her family, friends, his former colleagues and the School. Accordingly, the panel make 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 it to decide to recommend a review period of the order. The panel was mindful that the Advice states 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 proved, would militate against the recommendation of a review period. One of these behaviours includes [REDACTED], such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has

used his professional position to influence or exploit a person or persons. The panel found that Mr Yallop was responsible for the most serious degree of [REDACTED] misconduct, using his position as a teacher to [REDACTED] exploit Pupil A, a pupil he knew to be vulnerable.

Mr Yallop has demonstrated no acceptance, remorse or contrition for his behaviour.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period.

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 both sanction (and review period).

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

In this case, the panel has found all of the allegations proven and found that those proven facts 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 Yallop should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Yallop 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
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including ... the rule of law,
- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability...

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 of “the most serious degree of [REDACTED], using his position as a teacher to [REDACTED] exploit Pupil A, a pupil he knew to be vulnerable.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, 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 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 Yallop, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed behaviour that saw Mr Yallop, “cultivate and pursue an inappropriate relationship.” A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “Mr Yallop has demonstrated no acceptance, remorse or contrition for his behaviour.”

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being 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, “The findings of misconduct are serious, and the conduct displayed would inevitably have a negative impact on the individual’s status as a teacher, damaging the public perception.”

I am particularly mindful of the finding of [REDACTED] misconduct 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 the public might regard a failure to impose a prohibition order 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 Yallop himself. The panel has made some findings including, “The panel had limited evidence of Mr Yallop’s previous history and noted that he had been provided with advice as far back as 2013 about the need to maintain professional distance and observe requirements regarding social media.”

A prohibition order would prevent Mr Yallop 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, “Mr Yallop was responsible for the most serious degree of [REDACTED], using his position as a teacher to [REDACTED] exploit Pupil A, a pupil he knew to be vulnerable.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Yallop 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, in light of the circumstances in this case, that is not backed up by 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious [REDACTED] misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons.”

I have considered whether allowing for a no review period reflects the seriousness of the findings and is proportionate and necessary to achieve the aim of maintaining public confidence in the profession. In this case, the factors that mean a no review is necessary and proportionate are the serious sexual misconduct and the lack of insight and remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Martyn Yallop 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 Martyn Yallop 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 Martyn Yallop 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.

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

Decision maker: Alan Meyrick

Date: 5 March 2021

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