



National College for  
Teaching & Leadership

# **Mr David Newton- Badman: Professional conduct panel outcome**

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

**April 2017**

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

**Teacher:** Mr David Newton-Badman  
**Teacher ref number:** 0142574  
**Teacher date of birth:** 20 March 1979  
**NCTL case reference:** 15140  
**Date of determination:** 5 April 2017  
**Former employer:** Phoenix Academy, Telford & Wrekin Council

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 3 April to 5 April 2017 at The Ramada Hotel, The Butts, Coventry CV1 3GG to consider the case of Mr David Newton-Badman.

The panel members were Ms Nicole Jackson (lay panellist – in the chair), Ms Margaret Windsor (teacher panellist) and Mr Paul Bompas (lay panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds Sutherland International LLP.

The presenting officer for the National College was Ms Julia Faure-Walker of Counsel, briefed by Nabarro LLP.

Mr Newton-Badman was not present and was not represented.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegation(s) set out in the Notice of Proceedings dated 26 January 2017.

It was alleged that Mr Newton-Badman was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that he failed to maintain appropriate professional boundaries and/or appropriate professional standards whilst working as a teacher at the Phoenix Academy, now known as the Telford Langley School in that:

### **1. On a school ski trip in or around December 2014:**

- a. He allowed Pupil A (an ex pupil) to put her feet up on his lap and/or massage them;**
- b. He massaged Pupil A's shoulders;**
- c. He sent a message to Pupil A via Facebook that read "Massage in my room, clothes on or off?" or words to that effect;**
- d. When Pupil A asked him to zip up her coat because she was wearing her gloves he said "I would rather be taking your clothes off" or words to that effect;**
- e. He slapped Pupil A on her bottom;**
- f. When Pupil A was floating on her back in a swimming pool he put his head between her ankles and said "I hope this is not the last time I am between your legs" or words to that effect;**
- g. When on the coach he:**
  - i. asked Pupil A to kiss him,**
  - ii. held hands with Pupil A,**
  - iii. touched Pupil's thigh,**
  - iv. put his hand down her trousers,**
  - v. put his hand under her top and touched her breast;**

### **2. On dates unknown, he sent messages to Pupil A via social media including Facebook and Twitter. The messages he sent included;**

- a. Asking Pupil A what she would do if he tried to "pull" her or words to that effect;**

- b. **“Missing” your cuddles” or words to that effect;**
        - c. **“Wished you’d have kissed me on the coach” or words to that effect;**
        - d. **A picture of some underwear that he said “could bite off later” or words that effect;**
        - e. **Told Pupil A that he was “addicted to her” or words to that effect;**
- 3. On or about 31 December 2014 he sent a message to Pupil A that read “Hotel room, get drunk, sleep with me” or words to that effect;**
- 4. On an unknown date, when asking Pupil A if he could teach her to drive, stated that the car was “not big enough for what I have in mind” or words to that effect;**
- 5. In or around November 2014, when Pupil A was removing a hoodie he said “you can take that off as well” or words to that effect when referring to the top she was wearing underneath;**
- 6. In or around April 2014, when Pupil A was climbing he touched her underwear inappropriately;**
- 7. On an unknown date, he told Pupil A to squat to make her bum bigger, or words to that effect;**
- 8. On an unknown date, he told Pupil A that he was “not looking for an affair only a bit of fun” or words to that effect;**
- 9. On or about 19 June 2015, he sent a message to Pupil B (an ex pupil) that read “Sorry. V inappropriate.....But if you ever want to ‘experience’ an older man, just let me know (it’s your legs I think!) x” or words to that effect;**
- 10. His conduct set out at paragraphs 1-9 above was sexually motivated.**

In his witness statement dated 1 March 2017, Mr Newton-Badman admitted the facts of allegations 1.a., 1.g.ii. and 9. He partially admitted the facts of allegation 2.d. The remainder of the allegations were not admitted. Accordingly, the hearing proceeded on the basis of a disputed case.

## C. Preliminary applications

### Proceeding in Absence

As Mr Newton-Badman was not in attendance, the panel considered whether the hearing should continue in his absence.

The panel noted that the National College served the Notice of Proceedings by Document Exchange (DX) on 26 January 2017 (pages 6 to 9 of the hearing bundle). Mr Newton-Badman responded to the Notice of Proceedings on 20 February 2017 (pages 10 to 13 of the hearing bundle).

Having considered the factual evidence before it, the panel was satisfied that the National College had complied with the service requirements of paragraph 19.a. to 19.c. of the Teachers' Disciplinary (England) Regulations 2012.

The panel was 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 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 understood that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one. The panel also understood the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. As noted above, Mr Newton-Badman had more than 8 weeks' notice of the hearing date and in fact responded to the Notice of Proceedings on 20 February 2017. It was apparent to the panel that Mr Newton-Badman was aware of these proceedings. In addition, the panel had regard to the correspondence between Mr Newton-Badman's union representative and the NCTL's advisers dated 3 March 2017 (page 112 of the hearing bundle) and the statement from Mr Newton-Badman dated 1 March 2017 (page 113 of the hearing bundle), where he stated that he did not intend to attend the hearing nor did he propose to be represented. Furthermore, there was no indication that an adjournment may result in the teacher attending the hearing. The panel therefore considered that the teacher had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel had the benefit of representations made by the teacher and will be able to ascertain the lines of defence. Should the panel get to the third stage, the panel has the teacher's evidence addressing mitigation and is able to take this into account at that point in time. The panel noted that the witnesses relied upon were to be called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, as were reasonably available on the evidence. The panel had not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel also noted that there were a number of vulnerable witnesses present at the hearing, who are prepared to give evidence, and that it would be inconvenient and distressing for them to return again.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and accepted that fairness to the teacher is of prime importance. However, it considered that in light of the teacher'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, that 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.

## **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 3

Section 2: Notice of Proceedings and Response – pages 6 to 13

Section 3: NCTL witness statements – pages 15 to 30

Section 4: NCTL documents – pages 32 to 108

Section 5: Teacher documents – pages 110 to 120

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

## **Witnesses**

The panel heard oral evidence from:

Pupil A	Student	on behalf of the National College
Pupil B	Student	on behalf of the National College
Pupil C	Student	on behalf of the National College
Individual A	Teaching Assistant	on behalf of the National College

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirmed it had read all the documents provided in the bundle in advance of the hearing.

Mr Newton-Badman was employed at the Phoenix Academy, now known as the Telford Langley School, (the “School”) from 1 September 2002.

During the period between December 2014 and June 2015, Mr Newton-Badman was alleged to have been involved in several inappropriate incidents involving Pupils A and B.

On 22 June 2015, Mr Newton-Badman was placed on special leave and the police were contacted later on 26 June 2015 who undertook an investigation, which concluded in July 2015.

Various members of staff were interviewed between September 2015 and October 2015 as part of the School’s investigation. Subsequently, Mr Newton Badman resigned from his position at the School on 18 October 2015.



## Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

### 1. On a school ski trip in or around December 2014:

#### a. You allowed Pupil A (an ex pupil) to put her feet up on your lap and/or massage them;

The panel noted Mr Newton-Badman's admission of the facts of this particular of the allegation as outlined in his witness statement dated 1 March 2017. He stated that, "I do recall an occasion on which, entirely at her request, I massaged her feet".

The panel also considered the written evidence of Pupil A who stated that, "one evening, everyone else had gone to bed and I was in the games room with Mr Newton-Badman. I was resting my feet on the arm of the chair Mr Newton-Badman was sitting in and he began massaging my feet". In her oral evidence, Pupil A explained that the incident occurred "late in the evening" and denied that she was the one who requested the massage. This was further corroborated by the evidence of Individual A, who also attended the ski trip and recalled that, "one evening, after pupils had gone to bed, the teaching staff and helpers, including Pupil A, were socialising and Pupil A put her feet on Mr Newton-Badman's lap. Mr Newton-Badman proceeded to massage Pupil A's feet". This account was consistent with the account relayed by Individual A during the School's investigation meeting on 15 September 2015 and during his oral evidence to the panel. The panel found the evidence of Individual A to be credible and honest.

The panel noted Pupil A was a former pupil, who had been taught GCSE PE by Mr Newton-Badman. In addition, Pupil A was in attendance on the ski trip as a result of being a former pupil at of the School. The panel therefore considered that the relationship between Mr Newton-Badman and Pupil A could be categorised as a pupil/teacher relationship, due to their previous school relationship. Furthermore, the panel considered in this context the actions took place within an education setting given that the trip was organised by the School.

The panel considered all of the evidence, and on the balance of probabilities, the panel found that Mr Newton-Badman was more likely than not to have massaged Pupil A's feet. Having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

## **b. You massaged Pupil A's shoulders;**

Mr Newton-Badman denied this particular of the allegation.

The panel considered the written statement of Pupil A who stated that, "On another day two teachers and Mr Newton-Badman came into our hotel room. Mr Newton-Badman stayed chatting with us after the other teachers left. [Pupil C] and [another helper] then left our room for the showers and Mr Newton-Badman massaged my shoulders". In her oral evidence, Pupil A explained that her shoulders were hurting due to the skiing. This account is consistent with the information relayed to the police on 30 July 2015 and to the School on 28 September 2015. Pupil A was consistent with her evidence and the panel found her to be a clear, credible and honest witness. The evidence did not appear to be exaggerated in any way and there was no evidence to suggest that Pupil A had an ulterior motive for relaying this version of events; in fact, at times, she spoke highly of Mr Newton-Badman.

In her oral evidence, Pupil C confirmed that she witnessed Mr Newton-Badman massaging Pupil A's shoulders whilst in the hotel room she was sharing with Pupil A. However, her recollection was that she had come out of the shower and witnessed the massage, which was contrary to Pupil A's recollection of events. The panel noted the discrepancy.

In addition, the panel also considered Mr Newton-Badman's response to this allegation when put to him during the School's investigatory meeting on 16 October 2015, where he accepted massaging Pupil A's shoulders but noted, "I was never left alone. One of the other team members was there but I cannot remember who". However, in his written statement dated 1 March 2017, Mr Newton-Badman stated, "at no point did I massage her [Pupil A's] shoulders". He explained that, "I massaged other pupils' cramped limbs. These massages took place in the games room and there were always witnesses present". The panel noted the oral evidence of Pupil C, who confirmed that teachers would massage tired limbs.

Having considered all of the evidence, the panel preferred the evidence of Pupil A and Pupil C. Despite the discrepancy, the panel noted that these events took place some time ago and with the passage of time, memories fade. Witnesses, whoever they may be, cannot be expected to remember with crystal clarity events which occurred many years ago. In any event, both witnesses recalled the substance of this allegation with sufficient clarity. Therefore, given that Pupil A was consistent with her evidence throughout and Mr Newton-Badman has relayed varying versions of the incident, the panel believed that Mr Newton-Badman was more likely than not to have massaged Pupil A's shoulders. Having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**c. You sent a message to Pupil A via Facebook that read “Massage in my room, clothes on or off?” or words to that effect;**

Mr Newton-Badman denied this particular of the allegation. In his witness statement, he, “categorically denied” sending any message to Pupil A.

The panel considered the written statement of Pupil A who stated that, having left the room following the massage incident described at allegation 1.b., Mr Newton-Badman sent her a Facebook message, “suggesting a naked massage”. The message said, “Massage in my room? Clothes on or off?” This account was consistent with the information relayed to the School on 28 September 2015.

In addition, the panel considered the notes from the School’s investigatory meeting on 16 October 2015 with Mr Newton-Badman. During the meeting, this allegation was put to him and Mr Newton-Badman responded, “I did send the message about the massage but did not put ‘clothes on or off?’” From later correspondence, there appears to be a dispute about the recording of this response, as Mr Newton-Badman later asserted that he did not send Pupil A the message but instead, “asked her in conversation as a joke”. However, the School records that the, “original contemporaneous hand written (sic) notes showed he [Mr Newton-Badman] confirmed that he had sent the message”.

The panel considered all of the evidence, and noted that Pupil A had been consistent with her evidence throughout and, as stated above, the panel found her evidence to be credible. On the other hand, the panel noted that Mr Newton-Badman had provided numerous explanations.

On the balance of probabilities, the panel found that Mr Newton-Badman was more likely than not to have sent Pupil A a Facebook message that read “Massage in my room, clothes on or off?”. Having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**d. When Pupil A asked you to zip up her coat because she was wearing her gloves he said “I would rather be taking your clothes off” or words to that effect;**

Mr Newton-Badman denied this particular of the allegation. In his witness statement, Mr Newton-Badman stated, “I categorically deny ... that I made the remark she [Pupil A] claims in 1.d.”.

The panel had regard to the written evidence of Pupil A who stated that, “I asked Mr Newton-Badman to zip up my jacket as I was wearing mittens. As he did so he said, “I would rather be taking your clothes off”, or words to that effect”. This account was consistent with the information relayed to the police on 30 July 2015, to the School on 28

September 2015 and her oral account to the panel. As noted previously, Pupil A was consistent with her evidence and the panel found her to be a credible and honest witness.

Having considered all of the evidence, the panel preferred the evidence of Pupil A and found that Mr Newton-Badman was more likely than not to have made the remark whilst zipping up Pupil A's coat. Having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**e. You slapped Pupil A on her bottom;**

Mr Newton-Badman denied this particular of the allegation. In his witness statement, Mr Newton-Badman stated, "I categorically deny ... that I slapped her on the bottom". This account was consistent with his response during the School's investigatory meeting dated 16 October 2015.

The panel had regard to the written evidence of Pupil A who stated that following the foot massage incident as described in allegation 1.a., "as we were walking back upstairs Mr Newton-Badman slapped my bum. This was not the first time he had slapped my bum". This account was consistent with the information relayed to the School on 28 September 2015 and her oral account to the panel. As noted previously, Pupil A was consistent with her evidence and the panel found her to be a credible and honest witness.

Having considered all the evidence, the panel preferred the evidence of Pupil A and found that Mr Newton-Badman was more likely than not to have slapped Pupil A on her bottom. Having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**f. When Pupil A was floating on her back in a swimming pool you put your head between her ankles and said "I hope this is not the last time I am between your legs" or words to that effect;**

Mr Newton-Badman denied this particular of the allegation. In his witness statement, Mr Newton-Badman stated, "What Pupil A describes in 1.f. simply did not happen".

The panel had regard to the evidence of Pupil A who explained that the whole group had gone swimming and whilst in the swimming pool, "I was floating on my back and Mr Newton-Badman swam underneath me and popped his head up between my ankles. He said, "I hope this is not the last time I am between your legs" ... "I remember trying to laugh this comment off". In her oral evidence, Pupil A explained that whilst the whole

group were in the pool, at the time of the incident, no one was close by. As noted earlier, Pupil A was consistent with her evidence and the panel found her to be a credible and honest witness. Furthermore, the evidence did not appear to be exaggerated in any way.

The panel considered all of the evidence and preferred the evidence of Pupil A. On the balance of probabilities, the panel found that it was more likely than not that the incident occurred in the manner described by Pupil A. The panel considered the comments to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**g. When on the coach you:**

- i. asked Pupil A to kiss you,**
- ii. held hands with Pupil A,**
- iii. touched Pupil's thigh,**
- iv. put your hand down her trousers,**
- v. put your hand under her top and touched her breast;**

The panel noted Mr Newton-Badman's admission of the facts of allegation 1.g.ii. as outlined in his statement dated 1 March 2017. However, he denied all other particulars of this allegation.

The panel had regard to the written evidence of Pupil A, who described that during the coach trip home, Mr Newton-Badman asked if she wanted to watch a movie and she moved to the seat next to him. She explained that he then asked her, "in a lowered voice to give him a kiss. I [Pupil A] said no and he called me boring". The coach then stopped for a break and when they continued their journey, she continued watching the film. She stated that Mr Newton-Badman, "started playing and tickling with my hands. He kept on putting his hands on my leg ... Mr Newton-Badman left things for a while and then he tried to put his hand down my leggings". In her oral evidence she explained that Mr Newton-Badman touched her underwear and in fact got underneath the top of her underwear. Pupil A stated that he also, "put his hand down my top and touched my right breast". This account is consistent with the information relayed to the police on 30 July 2015, to the School on 28 September 2015 and her oral account to the panel. Pupil A further explained in her oral evidence that Mr Newton-Badman placed his hand underneath her bra when he touched her breast. As noted previously, the panel found her to be a credible and honest witness. Furthermore, Pupil C confirmed that Pupil A had informed her of this incident. Pupil C relayed this information to the police in her handwritten statement dated 5 August 2015.

In addition, the panel considered the notes from the School's investigatory meeting on 16 October 2015 with Mr Newton-Badman. During the meeting, Mr Newton-Badman said "we just held hands". In his witness statement dated 1 March 2017, Mr Newton-Badman accepted that he and Pupil A were watching a film together on the return coach journey but stated that, "the reserve bus driver was sitting in the opposite seats and a female colleague was seated immediately behind me. Only some members of the party were sleeping". Pupil A stated that, "the second coach driver had been sitting in my original seat". She recalled that "everyone was sleeping".

The panel considered all of the evidence and preferred the evidence of Pupil A; she was convincing in her recollection of events, describing how these acts were undertaken. On the balance of probabilities, the panel found that it was more likely than not that the incident occurred in the manner described by Pupil A. The panel considered the comments and actions of Mr Newton-Badman to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this entire allegation to be proved.

**2. On dates unknown, you sent messages to Pupil A via social media including Facebook and Twitter. The messages he sent included;**

**a. Asking Pupil A what she would do if he tried to "pull" her or words to that effect;**

Mr Newton-Badman denied this particular of the allegation.

Pupil A explained that prior to leaving the School, it had been agreed that she, together with other pupils, could attend the upcoming ski trip as helpers. Mr Newton-Badman was responsible for organising the trip and set up a Facebook group to discuss preparation for the trip. Subsequently, Mr Newton-Badman began privately messaging Pupil A where he asked, "what I [Pupil A] would do if he tried to 'pull' me when I was drunk". This account is consistent with the information relayed to the police on 30 July 2015, to the School on 28 September 2015 and her oral account to the panel. As noted previously, Pupil A was consistent with her evidence and the panel found her to be a credible and honest witness.

During the School's investigatory meeting dated 16 October 2015, Mr Newton-Badman denied this allegation. In his witness statement dated 1 March 2017, Mr Newton-Badman stated, "I categorically deny ever having sent any of the messages referred to in 2.a.". He stated, "unlike the message I admit to having sent Pupil B, there is no concrete evidence of any of these messages".

The panel considered all of the evidence and preferred the evidence of Pupil A. On the balance of probabilities, the panel found that it was more likely than not that the incident



occurred in the manner described by Pupil A. The panel considered the comments to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**b. “Missing” your cuddles” or words to that effect;**

**c. “Wished you’d have kissed me on the coach” or words to that effect;**

Mr Newton-Badman denied the particulars of the allegation.

The panel referred to the written evidence of Pupil A who stated she received numerous Facebook messages from Mr Newton-Badman following the ski trip and these included messages as described in the allegations. This account is consistent with the information relayed to the police on 30 July 2015, to the School on 28 September 2015 and her oral account to the panel. As noted previously, Pupil A was consistent with her evidence and the panel found her to be a credible and honest witness.

The panel noted Mr Newton-Badman response to the allegations as relayed during the School’s investigatory meeting dated 16 October 2015, and in his witness statement dated 1 March 2017, where he denied sending messages of this kind.

The panel considered all of the evidence and preferred the evidence of Pupil A. On the balance of probabilities, and in light of their findings in relation to allegation 1.g.i., the panel found that it was more likely than not that Mr Newton-Badman sent the messages to Pupil A in the terms described in the allegation. The panel considered the content of the messages to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**d. A picture of some underwear that he said “could bite off later” or words that effect;**

The panel noted Mr Newton-Badman’s partial admission of the facts of this particular of the allegation as outlined in his statement dated 1 March 2017. He stated, “I did send Pupil A a picture of some female underwear. This was in response to her message to me that she was out on a shopping trip and was asking me to make suggestions as to anything she might buy. I absolutely refute any use of the words specifically attributed to me in the allegation”.

The panel considered the written evidence of Pupil A who stated that she told Mr Newton-Badman that she was going shopping and, “he sent me a picture of stockings

and suspenders suggesting that I bought them and said, “so I can bite it off later”. This account was consistent with the information relayed to the police on 30 July 2015 and to the School on 28 September 2015. Furthermore, Pupil A’s recollection was verified by the evidence of Pupil C, who stated that Pupil A had told her about receiving this message from Mr Newton-Badman. Pupil A told her this prior to Pupil B’s Twitter message.

The panel considered all of the evidence and on the balance of probabilities, the panel found that it was more likely than not that Mr Newton-Badman sent the message to Pupil A in the terms described in the allegation. The panel considered the content of the message to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**e. Told Pupil A that you were “addicted to her” or words to that effect;**

Mr Newton-Badman denied this particular of the allegation.

The panel referred to the evidence of Pupil A who stated that in April 2015, Mr Newton-Badman continued to send her numerous messages and in one of these messages he said that, “he was addicted to me”. This account was consistent with the information relayed to the police on 30 July 2015.

The panel considered all of the evidence and on the balance of probabilities, the panel found that it was more likely than not that Mr Newton-Badman sent the message to Pupil A in the terms described in the allegation. The panel considered the content of the messages to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this particular of the allegation to be proved.

**3. On or about 31 December 2014 you sent a message to Pupil A that read “Hotel room, get drunk, sleep with me” or words to that effect;**

Mr Newton-Badman denied this allegation.

The panel considered the written evidence of Pupil A who stated that during New Year’s Eve, Mr Newton-Badman messaged her continuously throughout the night, indicating that he wanted to meet her and sent her a message stating “hotel room, get drunk, sleep with me?” Pupil A responded, “to say he was being silly”. This account was consistent with the information relayed by Pupil A during the School’s investigatory meeting on 28 September 2015.



The panel considered all of the evidence and preferred the evidence of Pupil A, whose evidence they found to be compelling and clear. Therefore, on the balance of probabilities, the panel found that it was more likely than not that Mr Newton-Badman sent the message to Pupil A in the terms described in the allegation. The panel considered the content of the messages to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

**4. On an unknown date, when asking Pupil A if you could teach her to drive, stated that the car was “not big enough for what I have in mind” or words to that effect;**

Mr Newton-Badman denied this allegation.

The panel referred to the written evidence of Pupil A who explained that she had been bought a car for Christmas 2014. Mr Newton-Badman asked, “if he could teach me to drive. He also commented that my car was “not big enough for what I have in mind” ... I took this comment to be a sexual comment”. This account was consistent with the information relayed to the police on 30 July 2015 and to the School on 28 September 2015. As noted previously, Pupil A was consistent with her evidence and the panel found her to be a credible and honest witness. Furthermore, this account is verified by the evidence of Pupil C, who recalled that, “In another conversation between Pupil A and Mr Newton-Badman, he mentioned teaching her to drive. During the conversation, Mr Newton-Badman apparently said “we could do it in your car but your car is too small” or something like “we can do it in my car” ... we [Pupil A and Pupil C] both thought that Mr Newton-Badman was referring to having sexual intercourse with Pupil A”. In her oral evidence, Pupil C confirmed that this message was relayed to her by Pupil A before Pupil B’s Twitter posting. Pupil C’s account was consistent with the statement she provided to the police on 5 August 2015.

When the allegation was put to him during the School investigatory meeting, Mr Newton-Badman responded, “No, she [Pupil A] brought that up by asking me to teach her to drive”. In his witness statement dated 1 March 2017, Mr Newton-Badman provided a fuller response stating, “At no time did I ever send Pupil A messages about offering her driving lessons or the size or suitability of her car for any purpose”.

The panel considered all of the evidence and preferred the evidence of Pupil A and C, whose evidence they found to be compelling, honest and clear. Therefore, on the balance of probabilities, the panel found that it was more likely than not that Mr Newton-Badman sent the message to Pupil A in the terms described in the allegation. The panel considered the content of the messages to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to

maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

**5. In or around November 2014, when Pupil A was removing a hoodie you said “you can take that off as well” or words to that effect when referring to the top she was wearing underneath;**

Mr Newton-Badman denied this allegation.

The panel considered the evidence of Pupil A who outlined the details of this incident where she found herself back at the School removing a hoodie when the alleged remark was made. Pupil A’s account was consistent with the evidence relayed to the police on 30 July 2015. The panel noted that in the notes prepared following the School’s investigatory meeting with Pupil A dated 28 September 2015, Pupil A was recorded as stating “Mr Badman said to her “take your coat off and your top while you’re there””. Whilst the panel acknowledged the difference in the wording, it held that the substance of the comment was consistent; Mr Newton-Badman was asking Pupil A to take off her clothes.

Pupil A had been consistent with her evidence throughout and, as stated earlier, the panel found her evidence to be credible. Having considered all of the evidence, the panel found, on the balance of probabilities, that these events did occur. The panel concluded that these actions were highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

**6. In or around April 2014, when Pupil A was climbing you touched her underwear inappropriately;**

Mr Newton-Badman denied this allegation. In his witness statement dated 1 March 2017, Mr Newton-Badman stated, “I deny that I ever touched [Pupil A] during a climbing exercise”. He explained that a, “female member of staff was supervising the activity at close quarters and I was assisting the exercise, acting as a “spotter”. I have no recollection of touching Pupil A ... if I did, it would have been simply to adjust her harness”. This account was consistent with the account relayed during the School’s investigatory meeting on 16 October 2015.

The panel considered the evidence of Pupil A who explained that, whilst on the climbing wall, on her way down, “Mr Newton-Badman jumped up and pulled at my thong touching the top of my bum”. She refuted any claims that Mr Newton-Badman was adjusting her harness, stating that, “you would not adjust someone’s harness when they are on the wall”. This account was consistent with the information relayed to the police on 30 July 2015, to the School on 28 September 2015 and her oral account to the panel, where she

explained that he “twanged” her thong. As noted previously, Pupil A was consistent with her evidence and the panel found her to be a credible and honest witness.

The panel also referred to the evidence of Pupil C, who was partnered with Pupil A during this exercise. Pupil C recalled that she was stood close to the climbing wall, looking up at Pupil A when Mr Newton-Badman, “pulled at Pupil A’s underwear as she was climbing down”. This account was consistent with the handwritten statement provided to the police dated 5 August 2015.

The panel noted that this incident occurred whilst Pupil A was attending the School, during a lesson supervised by Mr Newton-Badman.

Having considered all the evidence, the panel found, on the balance of probabilities, that these events did occur and Mr Newton-Badman did touch Pupil A’s underwear when she was climbing the wall. The panel found the evidence of Pupils A and C persuasive and the panel found that Mr Newton-Badman’s explanation lacked credibility. The panel concluded that touching a pupil’s underwear was highly inappropriate and having regard to appropriate teacher/pupil relationship (at this point in time, Pupil A being a pupil attending the School), the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

#### **7. On an unknown date, you told Pupil A to squat to make her bum bigger, or words to that effect;**

Mr Newton-Badman denied this allegation. In his written evidence, he believed that Pupil A, “entirely misrepresented general advice that I offered to students, entirely in the context of my PE teaching role”.

The panel considered the evidence of Pupil A who stated, “I remember one occasion Mr Newton-Badman told me I needed to ‘squat’ to make my bum bigger”. During her oral evidence, Pupil A explained that this comment was made during an after-school club which Mr Newton-Badman was supervising. She clarified that the comment was not made in the context of providing advice, as he “was not training us nor was it part of any exercise that we were doing at the time”. This account was consistent with the information relayed to the police on 30 July 2015, to the School on 28 September 2015 and her oral account to the panel. As noted previously, Pupil A was consistent with her evidence and the panel found her to be a credible and honest witness.

Having considered all the evidence, the panel found, on the balance of probabilities, that these events did occur. The panel concluded that these actions were highly inappropriate and having regard to appropriate teacher/pupil relationship (at this point in time, Pupil A being a pupil attending the School), the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

**8. On an unknown date, you told Pupil A that you were “not looking for an affair only a bit of fun” or words to that effect;**

Mr Newton-Badman denied this allegation. In his witness statement, Mr Newton-Badman stated, “At no time did I ever send to Pupil A messages ... that I “was not looking for an affair, only a bit of fun””.

The panel referred to the written evidence of Pupil A who explained the background leading to her receiving a Facebook message from Mr Newton-Badman. She noted that Mr Newton-Badman said, “if I was not with my friend he would have invited me to his house. I reminded Mr Newton-Badman ... that he was married ... and he said he was not looking for an affair, only a bit of fun”. This was corroborated by the evidence of Pupil C, who explained that Pupil A had told her about the message. The panel found Pupils A and C to be credible and honest witnesses.

The panel considered all of the evidence and preferred the evidence of Pupils A and C, whose evidence they found to be compelling, honest and clear. Therefore, on the balance of probabilities, the panel found that it was more likely than not that Mr Newton-Badman sent the message to Pupil A in the terms described in the allegation. The panel considered the content of the message to be highly inappropriate and having regard to appropriate teacher/pupil relationship, albeit Pupil A was a former pupil, but still under the age of 18 at the time, the panel concluded that such actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

**9. On or about 19 June 2015, you sent a message to Pupil B (an ex pupil) that read “Sorry. V inappropriate.....But if you ever want to ‘experience’ an older man, just let me know (it’s your legs I think!) x” or words to that effect;**

The panel noted Mr Newton-Badman’s admission of the facts of this allegation in his witness statement dated 1 March 2017 and his admission during the School’s investigatory meeting held on 16 October 2015. This was verified by the written and oral evidence of Pupil B and the screenshots of the message. The panel noted that Pupil B was previously taught GCSE PE by Mr Newton-Badman. Whilst the message was sent when Pupil B was no longer at the School, however, the interaction only arose due to the previous pupil/teacher relationship that had existed.

The panel referred to Appendix 2 of the School’s Safeguarding Policy, which advised, “Do not accept ‘friendship requests’ on social networking or messaging sites from students ... or young people (or their parents) that you work with. Remember ex-students may still have friends at your Academy”.

Having regard to the age of Pupil B at the time of the event, and given the teacher/pupil relationship between Mr Newton-Badman and Pupil B and the advice of the Policy, the panel concluded that Mr Newton-Badman’s actions were inappropriate and amounted to

a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

#### **10. Your conduct set out at paragraphs 1-9 above was sexually motivated.**

As the panel found allegations 1 to 9 proven, the panel went on to consider the two stage test for sexual motivation – firstly, whether on the balance of probabilities a reasonable person would think the actions could be sexual and secondly whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher’s purpose in such actions was sexual.

Mr Newton-Badman denied that his actions were sexually motivated. In his witness statement, Mr Newton-Badman stated, “Overall, I do accept that the actions to which I have admitted were unprofessional ... and capable of being construed as being sexually motivated. I am adamant that it was never my intention to cultivate a sexual relationship with Pupil A or Pupil B (or any other pupil), either whilst they were at the school or after they had left the school”.

The panel noted that the facts of the allegations found to be proved against Mr Newton-Badman, included, but were not limited to, the following inappropriate words and actions:

- sending several inappropriate messages to Pupil A, some of which contained sexual innuendo and others which were plainly of a sexual nature
- sending Pupil A a picture of female underwear
- inviting Pupil A to his room for a massage
- asking Pupil A to kiss him
- inappropriately touching Pupil A on several occasions
- sending Pupil B a message stating “if you ever want to ‘experience’ an older man, just let me know”

Upon consideration of the evidence, the panel was satisfied that Mr Newton-Badman’s words and actions would be viewed by a reasonable person as sexual. In reaching its decision, the panel noted that the very nature of his actions (for instance touching Pupil A’s bottom) and the very nature of the words (for instance sending indecent messages) would suffice to satisfy this element of the test.

Turning to the second limb, whether in all the circumstances of the conduct of the case, the purpose of such actions was sexual on Mr Newton-Badman’s part. His explanation that he was joking and did not intend to have a sexual relationship with the pupils lacked credibility when considered in the context of the allegations found proven. The panel was satisfied, in the absence of any other reasonable explanation and as a result of the proven facts, that Mr Newton-Badman’s intention behind these actions was for sexual gratification. Therefore, the panel found this allegation to be proved.

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

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Newton-Badman in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Newton-Badman is in breach of the following standards:

- teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
  - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards
- teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

The panel was satisfied that the conduct of Mr Newton-Badman, which involved sending inappropriate messages to former pupils (under the age of 18) and inappropriate physical contact with the concerned individuals, fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Newton-Badman’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel found that the offence of sexual activity was relevant. The Advice indicated that where behaviours associated with such an offence exist, a panel was likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel noted that some of the allegations took place outside of the education setting and in such circumstances misconduct will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role or may lead to pupils being exposed to or influenced by the behaviour in a harmful way. The panel noted that the facts surrounding the allegations were not said to have impacted the manner in which Mr Newton-Badman fulfilled his role as a teacher. However, there is clear evidence from



the underlying facts that Mr Newton-Badman's conduct may have led to pupil's being exposed to or influenced by his behaviour in a harmful way; not least due to the persistent sexualised nature of the messages to Pupil A.

Accordingly, the panel was satisfied that Mr Newton-Badman is guilty of unacceptable professional conduct.

The panel considered how the teaching profession was viewed by others and noted the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The 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. The panel therefore found that Mr Newton-Badman's actions constitute conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Newton-Badman, which involved sending inappropriate messages to former pupils (under the age of 18) and inappropriate physical contact with the concerned individuals, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate conduct with pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Newton-Badman 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 Newton-Badman was outside that which could reasonably be tolerated.

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 Newton-Badman.

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 Newton-Badman. 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

The panel found that Mr Newton-Badman's conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards, as the panel has already detailed above.

- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk

The panel found that the misconduct did affect the well-being pupils, with Pupil A being sexually touched on the coach journey back. Given the sheer number of incidents, the panel considered that there was a continuing risk.

- a deep-seated attitude that leads to harmful behaviour

The underlying incidents giving rise to the allegations were not isolated and involved several events (23 in total) over a period of 14 months concerning a number of pupils. This is a repeated pattern of behaviour. This led the panel to conclude that Mr Newton-Badman held a deep seated attitude which led to the harmful behaviour forming the facts of the proven allegations.



- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils

The panel considered that Mr Newton-Badman's conduct, in relation to the proven allegations, involved an abuse of his position and trust. His conduct involved a violation of the rights of pupils.

- sexual misconduct, e.g. 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

The panel found allegation 10 proven, noting that Mr Newton-Badman's actions were sexually motivated. He exploited the trust he gained in his position as a teacher in order to engage with Pupils A and B.

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.

Given the nature of the behaviour, the panel held that Mr Newton-Badman's actions were deliberate and had seen no evidence to suggest that he was acting under duress. In fact the panel considered his actions to be calculated. The panel noted that, as far as they are aware, in his role as a teacher, Mr Newton-Badman had not been subject to any formal disciplinary proceedings. The panel noted Mr Newton-Badman is said to have had an exemplary teaching record, although no evidence has been put before it to attest to this. Although the panel acknowledge that the former pupils described him as a "good teacher".

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, therefore, of the view that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Mr Newton-Badman. The number of incidents (23 in total) and the persistence of his sexual

advances leading the panel to conclude there was a clear pattern of behaviour was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes serious sexual misconduct, e.g. 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 their professional position to influence or exploit a person or persons.

The panel has found that Mr Newton-Badman abused his position as a teacher and the trust built up with pupils, to behave in an inappropriate and predatory manner with pupils, resulting in him sexually touching Pupil A and persistently sending sexualised messages to pupils. The panel do not consider that Mr Newton-Badman has shown sufficient insight or remorse for his actions or the impact they have had upon the individuals involved. Consequently, the panel felt 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 provisions 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 recommendations made to me by the panel in respect of both sanction and review period.

In determining this case I have taken careful account of the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found all of the allegations proven. In making that finding the panel has found Mr Newton-Badman is in breach of the following standards:

- teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards
- teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

The panel was satisfied that the conduct of Mr Newton-Badman, which involved sending inappropriate messages to former pupils (under the age of 18) and inappropriate physical contact with the concerned individuals, fell significantly short of the standards expected of the profession.

The panel also found that the offence of sexual activity was relevant. In addition the panel noted that some of the allegations took place outside of the education setting. The panel noted that the facts surrounding the allegations were not said to have impacted the manner in which Mr Newton-Badman fulfilled his role as a teacher. However, the panel were clear that they found evidence from the underlying facts that Mr Newton-Badman's conduct may have led to pupil's being exposed to or influenced by his behaviour in a harmful way; not least due to the persistent sexualised nature of the messages to Pupil A.

The panel also found the behaviours set out below to be present:

- 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
- 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, e.g. 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

In considering the recommendation of the panel I have had to weigh the public interest elements of the case against the individual interests of the teacher. I have also carefully considered whether this is a case where the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute is a proportionate outcome in itself. This is a case where the behaviours are persistent and frequent. The panel identifies this as a deep seated attitude.

I have also considered the positive attributes of the teacher in this case. In my view the severity of the behaviour significantly outweighs any positive public interest in retaining the teacher in the profession.

For all these reasons I support the recommendation of the panel in this case. In my view a prohibition order is both proportionate and in the public interest.

I have gone on to consider the matter of a review period. I have again taken careful account of the published advice and also the need to balance the public interest with the interests of the teacher. The panel has recommended that there should be no review period. Mr Newton-Badman abused his position as a teacher and the trust built up with pupils, to behave in an inappropriate and predatory manner with pupils, resulting in him sexually touching Pupil A and persistently sending sexualised messages to pupils.

I have noted that the panel do not consider that Mr Newton-Badman has shown sufficient insight or remorse for his actions or the impact they have had upon the individuals involved.

Balancing the lack of insight and remorse with the sexually motivated nature of the behaviours I have decided to agree with the panel. In my view a decision not to allow for a review period is proportionate and in the public interest.

**This means that Mr David Newton-Badman 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 David Newton-Badman 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 David Newton-Badman has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



**Decision maker: Alan Meyrick**

**Date: 10 April 2017**

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