

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Stephen Buss

Teacher ref no: 92/36811

Teacher date of birth: 18 February 1971

TA Case ref no: 8673

Date of Determination: 21 June 2012

Former Employer: Hodgson Academy, Lancashire

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 21 June 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Stephen Buss.

The Panel members were Mr Robert Cawley (Professional Panellist), Mr Aamer Naeem (Lay Panellist – in the Chair) and Dr Lel Meleyal (Lay Panellist).

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

The Presenting Officer for the Teaching Agency was Ms Melinka Berridge of Kingsley Napley. Ms Berridge was not present during the meeting.

Mr Buss was not present and was not represented during the meeting.

Mr Buss requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was tape-recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Referral dated 10 February 2012.

It was alleged that Mr Buss was guilty of unacceptable professional conduct, in that whilst employed at the Hodgson Academy, Lancashire, during 2009:

1. Engaged in inappropriate communications with a Year 11 pupil, Pupil A; and
2. Sent out an inappropriate image to a Year 11 pupil, Pupil A.

Mr Buss admits all of the facts of the allegation and that those facts amount to unacceptable professional conduct.

C. Summary of Evidence

Documents

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

1. Section 1 – Anonymised pupil list – pages 1-2
2. Section 2 – Response pro-forma / notice of referral – pages 3-4
3. Section 3 – Statement of agreed facts / representations – pages 5-19
4. Section 4 – Teaching Agency documents – pages 20-136
5. Section 5 – Teachers documents – pages 137-142

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

D. Decision and Reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Summary

Mr Buss had been employed as a teacher at the Hodgson Academy, Lancashire from 13 January 2003 until 24 May 2011. He had initially been employed as a temporary history teacher, before being made a permanent English teacher on 1 March 2004. Concerns were first raised in May 2010 when a female pupil, B, alleged that Mr Buss had sent inappropriate text and internet communications, including an image of the genital area of someone wearing boxer shorts to a former pupil, Pupil A. The Academy undertook an investigation and Mr Buss was arrested by police. Pupil A was interviewed on 16 September 2010. Following a strategy meeting on 14 March 2011, an examination of Mr Buss' personal and work computers revealed contact with Pupil A. The police investigation ceased and it was concluded that Social Services had no ongoing child protection investigation or enquiry. Mr Buss resigned by letter dated 24 May 2011, having accepted that communications between himself and Pupil A had taken place and were not appropriate.

Findings of fact

The Panel considered the allegation set out in the Notice of Referral dated 10 February 2012 and Notice of Meeting dated 20 February 2012 signed by Mr Buss.

It was alleged that Mr Buss was guilty of unacceptable professional conduct, in that whilst employed at the Hodgson Academy, Lancashire, during 2009 he:

1. Engaged in inappropriate communications with a Year 11 pupil, Pupil A; and
2. Sent an inappropriate image to a Year 11 pupil, Pupil A.

We have considered all of the evidence in the bundle carefully. Our findings of fact are as follows:

Particular 1

We have noted that Mr Buss has admitted the facts of this particular.

We have noted that he accepts that the communications with Pupil A did take place and that he accepts that the communications were inappropriate.

We have considered the evidence contained within the bundle of documents which includes detail of the communications Mr Buss held with Pupil A, including the use of Facebook. Pupil A provided a statement to the police which confirms the communication.

A number of the electronic communications contain apparently sexualised language. We have found that Mr Buss's communication with Pupil A was inappropriate, both in terms of communicating with her as well as the content of the communication.

We find this factual particular proven.

Particular 2

We have noted that Mr Buss admits that he did send an inappropriate image to Pupil A.

We have considered a photocopy print of the image which was sent, which appears to show an individual wearing boxer shorts. Whilst the image itself is of poor quality, we note from Pupil A's police statement that the image was sent to her by Mr Buss and she describes the image itself.

We find the facts of this particular proven.

Findings as to Unacceptable Professional Conduct

We have noted that Mr Buss accepts that his conduct amounts to unacceptable professional conduct.

Teachers have a responsibility to act in a manner which upholds public trust and upholds confidence in the reputation of the profession. Teachers are expected to behave in a manner which ensures the maintenance of appropriate professional

boundaries. Mr Buss has acted in a manner which has the potential to undermine public confidence in the standards expected of the profession. His behaviour failed to ensure the maintenance of appropriate professional boundaries which is fundamental to a teacher's role given the position of trust, responsibility and authority in which teachers are placed.

Teachers have the responsibility of ensuring that pupils are treated with dignity and respect and must act in a way which maintains their wellbeing. Mr Buss failed to behave in a manner which upheld such responsibilities.

Accordingly, on the basis of the facts we have found proven, we find that Mr Buss' conduct amounts to unacceptable professional conduct.

Panel's Recommendation to the Secretary of State

We have considered this case very carefully and have considered all of the mitigation and evidence presented by the Agency and Mr Buss. We have considered the representations which he has provided very carefully as well as the medical information provided by Mr Pope on his behalf.

We note that he has accepted the allegation and that he has assisted in the investigation of this matter. We have taken into account the representations which he has provided.

We have considered whether to conclude this case without imposing a sanction but we have decided that the issues raised in this case are so serious that a sanction is necessary and appropriate.

We are significantly concerned by Mr Buss' behaviour. His inappropriate communication with Pupil A spans a period of time and shows an apparent escalation in terms of the use of sexualised language and familiarity with her on a highly personal level.

Mr Buss had been warned about his behaviour and his use of personal / social communication with pupils. He failed to adhere to those previous warnings and went onto to engage, inappropriately with Pupil A.

Mr Buss' conduct has fallen far below the standard expected of a registered teacher. We are of the view that his behaviour has the potential to undermine the reputation of the profession and to significantly damage public confidence in the standards expected of Teachers. His actions show that he has failed to maintain the paramount requirement for teachers to act in a way which safeguards pupils and ensures their wellbeing. He failed to observe and maintain appropriate professional boundaries and his actions are a fundamental departure from the standards of conduct which can appropriately be expected of the profession.

For these reasons, we have decided that it is necessary to recommend that a Prohibition Order is the proportionate sanction to impose in this case.

We carefully considered whether to allow Mr Buss the opportunity to apply to set aside the Prohibition Order. We have decided that it is not appropriate to allow Mr Buss the opportunity to apply for the Prohibition to be set aside.

We have reached this decision after careful consideration. We have considered that a sanction is imposed, not to act punitively but to reflect the seriousness of behaviour, to uphold public confidence in the standards expected of the profession and to protect the public / pupils. Whilst Mr Buss has shown remorse, the gravity of his unacceptable professional conduct is such that we believe that his actions are fundamentally incompatible with the actions and conduct expected of a teacher.

We believe that this decision is necessary given the seriousness of his actions, the content of his communications and especially the overtly sexualised language which he has engaged in. Teachers play an influential role in the formation of children and young people's views and behaviours. Mr Buss's actions had the potential to cause significant damage to Pupil A, a vulnerable girl, such that his actions placed her at risk. In our view, his actions identify a risk to the protection of children.

Secretary of State's Decision and Reasons

I have considered this case very carefully. Mr Buss admitted the facts of both of the allegations. Mr Buss also admitted that the facts amounted to unacceptable professional conduct. The panel also found the facts proven in this case and they have set out their reasons. The panel also find that those facts amount to unacceptable professional conduct, and they set out their reasons clearly. It is evident that the panel regard this case as a very serious one and they point to the overtly sexualised language used by Mr Buss and to the potential for the behaviour of Mr Buss to cause significant damage to Pupil A, a vulnerable girl.

I have also considered very carefully the panel's reasons for recommending a prohibition order in this case. The panel has taken into account representations made by Mr Buss, but they also point to the period of time over which the activities took place, the escalation in the use of sexualised language and the fact that Mr Buss was warned about his behaviour. For these reasons I support the panel's recommendation that a prohibition order is appropriate and proportionate and in the public interest.

I have also given careful consideration to the panel's recommendation in respect of a review period. The panel identify the behaviour of Mr Buss as representing a considerable risk of harm and in particular the panel point to the overtly sexualised language used. For these reasons I support the recommendation that there be no review period in this case.

This means that Mr Stephen Buss 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 Stephen Buss 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 Stephen Buss has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

NAME OF DECISION MAKER: Alan Meyrick

DATE: 21 June 2012