

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Christopher Turner

Teacher ref no: 79/72667

Teacher date of birth: 8 April 1955

TA Case ref no: 9193

Date of Determination: 23 November 2012

Former Employer: St Bede's RC High School, Blackburn

A. Introduction

A Professional Conduct Panel ("the Panel") of The Teaching Agency convened on 23 November 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Christopher Turner in a meeting.

The Panel members were Mr Andrew Potts (Lay Panellist– in the Chair), Mr Peter Cooper (Teacher Panellist) and Professor Ian Hughes (Lay Panellist).

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

The Presenting Officer for the Teaching Agency was Ms Atkin. Ms Atkin was not present during the meeting.

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

Mr Turner 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 16 July 2012.

It was alleged that Mr Christopher Turner was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that he was cautioned by Lancashire Constabulary on 8 March 2012 for the following offence:

Cause / incite sexual activity with female 13–17 offender 18 or over abuse of a position of trust, on 02/09/11- 08/03/12.

Mr Turner accepts the allegation set out in the Notice of Referral sent on 16 July 2012 and admits that those facts amount to unacceptable professional conduct and conduct that brings the profession into disrepute.

C. Summary of Evidence

Documents

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

Section 1	Chronology & Anonymised Pupil List	Pages 2 – 3
Section 2	Notice of Referral & Response	Pages 5 – 8b
Section 3	Statement of Agreed Facts/Facts Representations	Pages 10 - 17
Section 4	Teaching Agency Documents	Pages 19 - 51

In addition, the Panel agreed to accept a letter from Mr Turner dated 13 November 2012.

D. Decision and Reasons

The panel announced its decision 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. We have also considered a letter from Mr Turner dated 13 November 2012.

Summary

Mr Christopher Turner, whose date of birth is 8 April 1955, was employed at St Bede's Roman Catholic High School as a full time teacher from February 1999 until August 2011 when he retired. Following retirement, he returned to provide occasional supply cover at the school during the 2011-2012 academic year. Mr Turner had met Student A whilst at the school. He was aware that Student A was a vulnerable student and that she had been involved in a relationship with an older man who has been suspected of grooming her.

In September 2011, Mr Turner delivered a handwritten letter to Student A through which he invited her to contact him via Facebook. He had obtained the contact details from the school's computer system. In November 2011, Mr Turner had returned to the school to undertake supply work on a casual basis and in December he had delivered a birthday card to her. In February 2012 he hand delivered a Valentine's Day card to Student A – within the card he included a plastic heart and a

CD of 18 love songs which he had selected. He also subsequently invited the student to meet him in the local park.

Mr Turner accepts that he received a caution from Lancashire Constabulary on 8 March 2012 for the offence of causing / inciting sexual activity with a female aged 13-17, abuse of position of trust and he has accepted that he had abused his position of trust as a teacher.

The allegation we have considered is that Mr Christopher Turner is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that he was cautioned by Lancashire Constabulary on 8 March 2012 for the following offence:

Cause / incite sexual activity with female 13–17 offender 18 or over abuse of a position of trust, on 02/09/11- 08/03/12.

Findings of Fact

We have found the particulars of the allegation against Mr Turner proven, for the following reasons:

We have considered all of the evidence contained within the bundle. This evidence has included a copy of the caution and documentation relating to the police investigation. We have carefully considered the Agreed Statement of Facts and noted that Mr Turner accepts the facts of the allegation.

On the basis of the evidence available within the bundle and Mr Turner's admission, we find the facts of the allegation proven.

Findings as to Unacceptable Professional Conduct and / or conduct that may bring the profession into disrepute

We have noted that Mr Turner accepts that his conduct amounts to unacceptable professional conduct and is conduct that may bring the profession into disrepute.

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 Turner 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.

Accordingly, on the basis of the facts we have found proven, we find that Mr Turner's behaviour amounts to unacceptable professional conduct and is conduct which may bring the profession into disrepute. "

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 Turner. We have considered the representations which he has provided very carefully.

We note that he has accepted the allegation and that he has assisted in the investigation of this matter. We have taken into account that Mr Turner has had a long teaching career and we have no evidence which shows that there has been any other disciplinary matter of concern during that career.

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 concerned by Mr Turner's behaviour. He was a highly experienced teacher. His behaviour shows a number of clear and deliberate actions. These actions include that he took positive steps to approach this pupil, knowing that she was vulnerable. He was not acting under duress. He took steps to identify the pupil's personal contact information held on the school computer – he accessed this information in breach of the school's policy. He travelled to her home and hand delivered a letter to her. He wrote to her and hand delivered a birthday card as well as a Valentine card which included a CD of love songs which he had specifically selected and downloaded for her.

Mr Turner's conduct has fallen far below the standard expected of a 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 essential 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.

In his representations, Mr Turner has indicated remorse. However, we are not satisfied that he has demonstrated sufficient insight into his behaviour or its potential consequences. 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.

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 have reminded ourselves that a sanction which is imposed is not intended to act punitively but is imposed to reflect the seriousness of behaviour, to uphold public confidence in the standards expected of the profession and to protect the public and/or pupils.

We have decided that it is necessary to recommend that a Prohibition Order should be imposed in this case in order to reflect the seriousness of Mr Turner's behaviour.

This Order is also necessary in order to uphold public trust and confidence in the standards of conduct expected of the profession. We recommend that a Prohibition Order should be imposed immediately.

We have carefully considered whether to allow Mr Turner the opportunity to apply to set aside the Prohibition Order. The acts alleged, whilst unacceptable, have not been subject to criminal prosecution. There is no suggestion that Mr Turner has been investigated for other concerns relating to his conduct and there is no evidence of any other disciplinary issues being raised. He has a previously good and extensive professional history. Having considered the case and Mr Turner's mitigation carefully, we have decided to recommend that he should be allowed the opportunity to apply for the Prohibition to be set aside after a period of five years has elapsed.

The issues raised in this case are significantly serious and raise concerns about the safety of children and young people. Teachers play an influential role in the formation of children and young people's views and behaviours. Mr Turner's actions had the potential to cause significant damage to Pupil A, an individual who he knew to be vulnerable. We consider that his actions placed her at risk. Accordingly, we believe that the minimum period for potential review does not appropriately reflect the seriousness of the issues raised in this case. However, we have noted that Mr Turner has had an extensive teaching career with no other disciplinary matters or findings. We have decided that the period of five years appropriately and proportionately reflects the seriousness of the allegation, acknowledges our concerns about Mr Turner's behaviour and reflects our responsibility to maintain public confidence, safeguard children and young people and uphold the reputation of the profession.

Secretary of State's Decision and Reasons

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

Mr Turner's behaviour falls significantly short of that expected from a teacher. His actions were deliberate and sustained over a period of time. He knew that Pupil A was vulnerable and yet he made deliberate efforts to contact her and embark upon an unacceptable relationship.

The caution that Mr Turner was given is clear evidence of unacceptable behaviour and misconduct. I therefore support the recommendation of the panel that Mr Turner should be prohibited.

I have also given careful consideration to the recommendation of the panel regarding a review period. This was a serious matter and despite the fact that there is a good and extensive professional history, it must be right that the minimum period of review is not sufficient to deal with the concerns that this finding gives rise to. I therefore also support the recommendation that the review period should be 5 years.

This means that Mr Christopher Turner is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, **but not until 30 November 2017, 5 years from the date of this order at the earliest.** If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Christopher Turner remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Christopher Turner 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: 23 November 2012