

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Michael Barrington Taylor

Teacher ref no: 82/75218

Teacher date of birth: 4.8.1961

TA Case ref no: 4917

Date of Determination: Friday 25 January 2013

Former Employer: Leicester City Council

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 25 January 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Michael Barrington Taylor.

The Panel members were Ms Jean Carter (Lay Member in the Chair), Mr Luke Graham (Teacher Member) and Mr John Elliott (Lay Member).

The Legal Adviser to the Panel was Mr Paddy Roche of Morgan Cole LLP Solicitors.

The Presenting Officer for the Teaching Agency was Mr Ben Bentley of Browne Jacobson Solicitors.

Mr Michael Barrington Taylor was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 9 November 2012.

It was alleged that Mr Michael Barrington Taylor was guilty of Unacceptable Professional Conduct, in that:-

1. Whilst employed at Greenwood Dale School, Nottingham between September 1996 and December 1997 he:-
 - a. Had a sexual relationship with Former Pupil A after she had left the roll of students at Soar Valley Community College, Leicester at which he was employed between January 1989 and August 1996.

The Teacher made no indication as to his admission or denial of the facts. The case was therefore dealt with as a contested case.

C. Summary of Evidence

Documents

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

Section 1	Anonymised Pupil List	Page 3.
Section 2	Notice of Proceedings and Response	Pages 7 to 12.
Section 3	Witness Statement	Pages 15 to 20.
Section 4	Teaching Agency Documents	Pages 23 to 384.
	Supplementary Hearing Bundle	Pages 385 to 982.
	To those documents were added:-	
	Copy Envelopes as Above	Pages 983 to 985

Brief summary of evidence given

The Panel heard evidence from the following witness who were called in person:-

Witness A who gave evidence as follows:-

- He was a Detective Constable in the Child Protection Unit of Leicestershire Police and became involved in the investigation concerning Michael Taylor.
- The investigation concerned Mr Taylor's alleged involvement in a sexual relationship with Pupil A while she was still a student at Soar Valley Community College where Mr Taylor was Head of Science between 1 January to 31 December 2005.
- He interviewed Mr Taylor under caution on a number of occasions – Mr Taylor denied ever having had a sexual relationship with Pupil A at all throughout the interviews.

- He recovered birthday and Christmas cards sent to Pupil A by Mr Taylor.
- He was involved in charging Mr Taylor with six counts of indecent assault contrary to the Sexual Offences Act 1956.
- He produced an Addendum to a Defence Case Statement supplied by Mr Taylor's Solicitors in advance of his Trial at the Crown Court.
- In the Defence Case Statement Mr Taylor accepted that he had had a sexual relationship with Pupil A, after Pupil A had left the School roll.
- This was the first time that Mr Taylor had acknowledged any sort of sexual relationship with Pupil A.

Witness B gave evidence as follows:-

- She was an Independent Social Work Consultant and was commissioned by Leicester City Council to undertake a disciplinary investigation in relation to Mr Taylor in May 2007.
- She was aware that Mr Taylor had been tried on indictment at Leicester Crown Court on various sexual charges involving intimacy with Pupil A.
- She was aware that in May 2007 the Crown Court Judge withdrew the Case from the Jury on the basis that Pupil A had committed perjury in relation to one aspect of her evidence and because other evidence relied upon by the Prosecution had been discredited.
- In her subsequent investigation she considered the admissions made by Mr Taylor in his Defence Case Statement.
- In a meeting with Mr Taylor on 6 March 2008 Mr Taylor affirmed the truth of the admissions made in his Defence Case Statement.
- She attempted to interview Pupil A but was not able to make contact with her.
- She had read the transcript provided of the Crown Court Case before providing her initial report.
- In the course of her interview with Mr Taylor he admitted to sending Pupil A a birthday card.
- He also described Pupil A as an attractive, confident and independent young woman who had made advances to him some time after she had left School.

- Mr Taylor's admission to having a sexual relationship with Pupil A who was considerably younger than him seriously undermined any confidence in his capacity to safeguard and promote the welfare of pupils.
- Mr Taylor admitted only a brief relationship with Pupil A which had occurred when Pupil A was 17 in June of that year.
- She could not say what guidance was available to Members of Teaching Staff in 1996/97 about relationships with former pupils.
- Mr Taylor's dishonesty in his interviews with the Police made it very difficult to make a judgement about what he was saying to her.

The Presenting Officer then made his final address to the Panel.

D. Panel's 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.

The case concerns an allegation of Unacceptable Professional Conduct against Mr Taylor at a time when he was employed as a schoolteacher in Nottingham.

In 2005 Pupil A – a female pupil who had attended a school where Mr Taylor was Head of Science - made a number of witness statements to the Leicestershire Police alleging that, whilst a pupil at the school, Mr Taylor had engaged in a sexual relationship with her and that full sexual intercourse had taken place with her consent. These allegations concerned events approximately 10 years earlier. In due course as a consequence of these allegations Mr Taylor was arrested and extensively interviewed under caution by Leicestershire Police.

The records of the caution interviews indicate that he denied absolutely engaging in a sexual relationship with Pupil A as alleged. Nonetheless Mr Taylor was charged with a number of serious offences of indecent assault including sexual intercourse with Pupil A and acts of gross indecency. He was tried on the indictment at Leicester Crown Court in May 2007.

At the close of the Prosecution case a submission of no case to answer was made to the Judge by Defence Counsel. That submission was upheld and Mr Taylor was discharged. In the course of the Judge's ruling he indicated that he was satisfied that Pupil A had committed perjury in relation to one aspect of her evidence and noted that:-

“In a number of important respects the Complainant’s evidence has been undermined and/or discredited by other evidence in the case and the instances of that are so numerous there is no need in this judgment for me to spell it out”.

He said that the Prosecution case on each count depended entirely upon the credibility of the Pupil A and, being satisfied beyond reasonable doubt, that all the elements of perjury were made out in relation to a part of her evidence he ruled that any possible conviction of the Defendant on any of the counts on the indictment would be unsafe and thus Mr Taylor was discharged.

The Trial at the Crown Court represents the back drop to the case before this Panel.

In this case Mr Taylor faces an allegation of Unacceptable Professional Conduct based upon an alleged sexual relationship with Pupil A after she had left the School which is said to have occurred between September 1996 and December 1997.

The Teaching Agency’s evidence in relation to the specific allegation it brings is based on an admission made in an Addendum to the Defence Case Statement, lodged on behalf of Mr Taylor, in the course of the Crown Court proceedings referred to above.

In that Addendum it is said that Mr Taylor accepted that after Pupil A had left the School and probably in late spring of 1997 they did have a brief sexual relationship which lasted approximately two to three weeks and then ended by mutual agreement. In it he said that at all times sexual intercourse took place at Pupil A’s flat and did not occur elsewhere. The document makes clear that nothing of a sexual nature had occurred before that time – namely while Pupil A was still at school.

Mr Taylor’s conduct was investigated by Witness B an Independent Social Work Consultant and in the course of her investigation she met with Mr Taylor on 6 March 2008.

In the course of that meeting Witness B says that Mr Taylor affirmed the admissions that he had engaged in a sexual relationship which commenced in spring 2007 after Pupil A had ceased to be a pupil at his School. He explained the nature of the relationship and how it had commenced. At the time Mr Taylor would have been 35 years of age and Pupil A was over 16.

At the time of Witness B’s investigation attempts were made to contact Pupil A who by then was living abroad but no response was ever received from her.

The case papers contain no representations or documents whatsoever from Mr Taylor himself.

Findings of fact

Our findings of fact are as follows:-

We have found the following particulars of the allegation against Michael Barrington Taylor proved, for these reasons:-

1. Whilst employed at Greenwood Dale School, Nottingham, between September 1996 and December 1997 he:-
 - a. Had a sexual relationship with a former Pupil A after she had left the roll of students at Soar Valley Community College, Leicester at which he was employed between January 1989 and August 1996.

And our reasons are that we have heard and accepted the evidence given to the Panel by Witness B. She investigated this allegation and gave evidence that Mr Taylor admitted to her at a meeting on 6 March 2008 that he had engaged in a sexual relationship with Pupil A which commenced in spring 1997 after she had ceased to be a pupil at his School. Those admissions confirmed the details contained in the Addendum to his Defence Case Statement which is exhibited in the case papers and was prepared in advance of his Trial on other matters at Leicester Crown Court in May 2007. We take the view, in particular, that the addendum to Mr Taylor's defence case statement where he makes the admission is a document which – in view of its importance to the trial hearing that he faced – would have been prepared with great care. We thus feel able to rely upon the admission contained in it which – in any event – on Witness B's evidence was reaffirmed by Mr Taylor when she interviewed him in 2008.

We place no reliance whatsoever on the other allegations which were tried before His Honour Judge Morrell in May 2007. Those charges were dismissed at the close of the Prosecution evidence because the Judge decided that Pupil A had given perjured evidence and that her claims to have been involved in a sexual relationship with Mr Taylor while still at his School were unreliable and unsubstantiated by other evidence relied upon by the Prosecution.

We therefore wish to make it very clear that our finding of fact in this case is specific to the details of the allegation as brought by the Teaching Agency and is based solely on the admissions made by Mr Taylor as indicated.

Findings as to Unacceptable Professional Conduct

The admitted affair with Pupil A after she had left school occurred in the late spring/summer 1997 when Pupil A was aged 16/17. We are concerned about both the "affair" itself and the lack of frankness shown by Mr Taylor during the course of the very lengthy investigation into his relationship with Pupil A conducted by the Police and the internal disciplinary investigation conducted latterly by Witness B on behalf of the Local Authority.

We are obliged by the guidance available to us to apply the latest teachers' standards published by the Secretary of State. We have concluded that this relationship was initially forged at a time when Pupil A and Mr Taylor were at the same school. Even though there is then a lapse of several months before Mr Taylor and Pupil A began their brief affair we consider that Mr Taylor still held a position of

trust towards his former pupil and judged on today's standards Mr Taylor's behaviour was unprofessional and the public would regard it as unacceptable. Members of the profession should behave with integrity and in our judgement Mr Taylor failed to do so – no matter who initiated the affair. We are further aware that had this episode occurred more recently then by virtue of the Sexual Offences Act 2003 Mr Taylor's conduct would have been illegal.

In addition we are concerned that Mr Taylor only disclosed the affair at the last moment in his addendum to his Defence Case Statement just days before his Crown Court trial. He also seems to have changed his ground in relation to the way the affair started as in his Defence Case Statement he says that Pupil A contacted him "stating she was having a difficult time in her personal life and wanted someone to talk to." (p368). In his written response to Witness B he describes Pupil A inviting him to hear her sing in a bar and then suggests she made advances to him which he initially resisted (p 98). There is no mention at all of her having a difficult time. As a Head Teacher Mr Taylor had a responsibility to be full and open in his responses to the investigators which he, plainly, has not been.

For those reasons in our judgement this is therefore a case of Unacceptable Professional Conduct.

Panel's Recommendation to the Secretary of State

The admitted affair was consensual, lasted only a few weeks and involved Pupil A after she had left school and following a break of several months. It occurred approximately 17 years ago at a time when we believe public attitudes towards liaisons of this sort may have been a little more relaxed than in today's climate. We observe that we have therefore found it a little difficult, in the circumstances, to have applied to events that happened so long ago the latest set of Teacher Standards as published by the Secretary of State.

For those reasons we have found it far from straightforward to formulate this recommendation. In view of the passage of time and absence of any evidence that Mr Taylor has behaved subsequently in a way that has given any cause for concern we do not believe it can be said that Protection of Children is an issue in this case.

We are, however, satisfied that even in 1996/7 Mr Taylor's involvement with his former pupil would have been regarded with anxiety by members of the public and that a Prohibition Order is required for the maintenance of public confidence in the profession and to declare and uphold proper standards of conduct. We believe that Mr Taylor behaved inappropriately. Indeed he seems to concede in his addendum to the Defence Case Statement that he was conscious of its likely impact on his professional standing where he comments at paragraph 11 – "he was aware that any relationship with a former pupil would undoubtedly bring his career to an end." (p368).

We believe therefore that Mr Taylor knew his conduct in engaging in the sexual liaison with Pupil A was seriously wrong and inconsistent with the standards that applied to his professional position.

While we are satisfied that we should recommend the imposition of a Prohibition Order we are minded to suggest that the period before which Mr Taylor may apply for a review of the Order should be the minimum of 2 years. We think that in the exceptional circumstances of the years that have elapsed between the conduct and the disposal of this case that any longer period would be punitive and is not required in the public interest.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case. As the panel point out in their recommendation, the events in this case took place some years ago, and there is a need to balance the immediate risk that Mr Taylor's behaviours then might present now, and the standards of behaviour that are expected now and the extent to which they may differ from the standards in place then.

Nonetheless, the panel have found that the behaviour of Mr Taylor is, and was, unacceptable. Mr Taylor knew that his behaviour was unacceptable. The standards of the profession must be upheld now, and what Mr Taylor did falls significantly below the standards that are acceptable.

I therefore support the recommendation to prohibit Mr Taylor.

In terms of a review period, Mr Taylor's subsequent behaviour appears to have been acceptable. I therefore support the recommendation that Mr Taylor be able to apply, after a period of 2 years has elapsed, to be able to teach again.

This means that Mr Michael Taylor 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 04 February 2015, 2 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 Michael Taylor remains barred from teaching indefinitely.

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

Mr Michael Taylor 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: 28 January 2013