



National College for
Teaching & Leadership

Mr Mark Bertram Wade: Professional conduct panel outcome

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

August 2016

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

Teacher: Mr Mark Bertram Wade

Teacher ref number: 7674834

Teacher date of birth: 16 July 1958

NCTL case reference: 14735

Date of determination: 23 August 2016

Former employer: The Piggott School, Wargrave, Berkshire

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 23 August 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Mark Bertram Wade in a meeting.

The panel members were Ms Nicolé Jackson (lay panellist – in the chair), Mr Ryan Wilson (teacher panellist) and Mrs Mary Speakman (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP, solicitors.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegation set out in the Notice of Meeting dated 25 July 2016.

It was alleged that Mr Mark Bertram Wade was guilty of unacceptable professional conduct, in that:

Whilst employed at the Piggott School between 2013 and 2015 he:

- 1. Had an inappropriate relationship with Pupil A;**
- 2. Had an inappropriate sexual relationship with Pupil A:**
- 3. Accepted a Police Caution for harassment of Pupil A on 31 July 2015.**

Mr Wade admitted the alleged facts and further admitted that they amount to unacceptable professional conduct.

C. Preliminary applications

There were no preliminary applications

D. Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 2 to 5

Section 2: Notice of Proceedings, Response and Notice of Meeting – pages 7 to 11b

Section 3: Statement of Agreed Facts and Presenting Officer representation – pages 12a to 15

Section 4: NCTL documents – pages 16a to 91

Section 5: Teacher documents – pages 93 to 104

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

Statement of Agreed Facts

The panel considered a Statement of Agreed Facts signed by Mr Wade on 22 June 2016.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case and reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Mark Bertram Wade, was employed at the Piggott School ('the school') from 1 September 1994 to 23 October 2015. He was employed as Head of Mathematics and sixth form personal tutor until September 2013.

Pupil A arrived at the school in September 2012 and joined the first year of the sixth form. Mr Wade admits that he had an inappropriate relationship with Pupil A between 2013 and 2015. In the summer term of 2013, Pupil A requested a move into Mr Wade's tutor group, which was facilitated. In 2013 Mr Wade asked to be relieved of his tutor group responsibilities with effect from September 2013. Upon relinquishing his tutor group, Mr Wade continued to offer assistance to his tutees with their UCAS forms. Pupil A

approached Mr Wade for help and they both met on a number of occasions. Mr Wade and Pupil A arranged to meet in town, often when Pupil A was with her mother. They subsequently met near Pupil A's leisure club. In September 2013, Mr Wade emailed Pupil A on his personal email account and they subsequently exchanged emails via his personal account. They also communicated via telephone and text messages. In or around October 2013, Pupil A and Mr Wade kissed outside school on a number of occasions. This was consensual. Mr Wade also referred to Pupil A by an alternative name as he said that he felt more comfortable using the different name.

Mr Wade accepts that he had consensual sexual relationship with Pupil A in August 2014 after Pupil A had left school. Pupil A states that the sexual relationship commenced in June 2014. There is inconsistency within Mr Wade's evidence regarding the date that the sexual relationship commenced. Whilst it is accepted that Pupil A may not have been a pupil at the school in August 2014, the panel does not think that the difference in date is material and has proceeded on the basis of Mr Wade's acceptance that the sexual relationship started in August 2014. At that time, Pupil A was aged 19. Mr Wade also accepts that sexual intercourse took place at his house, at another property of his in Cornwall and at Pupil A's house. The relationship between Pupil A and Mr Wade continued until Pupil A went to university in September 2014. They met on three occasions when Pupil A was at university, which included going to Cornwall for three days in October 2014, meeting once in Richmond and once at Pupil A's university in late November 2014, when Pupil A told Mr Wade that their relationship was over. Mr Wade accepts that from January 2015 to July 2015, he sent emails and flowers to Pupil A. In January 2015, Pupil A and Mr Wade met, when Mr Wade agreed not to have any further contact with Pupil A. In March 2015, Pupil A emailed Mr Wade to ask if they could meet up. On 8 March 2015, Mr Wade brought Pupil A flowers and left them for her at her home address for Pupil A's 20th birthday. Mr Wade accepts that he should not have left the flowers. Mr Wade accepts that in or around July 2015 he sent Pupil A an internet article about 'sugar daddies'. Mr Wade also accepts that he sent Pupil A a number of emails, letters and text messages along with telephone calls. On 22 July 2015, Mr Wade drove past Pupil A and called out to her. On 23 July 2015, Mr Wade left a voicemail for Pupil A, but maintains that this was sent inadvertently. Following this, Pupil A made a complaint of harassment to the police. Mr Wade was arrested and cautioned on 31 July 2015 for harassment between 8 March 2015 and 23 July 2015. Mr Wade has made no further contact with Pupil A.

Findings of fact

Our findings of fact are as follows:

Whilst employed at the Piggott School between 2013 and 2015 you:

- 1. Had an inappropriate relationship with Pupil A;**
- 2. Had an inappropriate sexual relationship with Pupil A:**

3. Accepted a Police Caution for harassment of Pupil A on 31 July 2015.

The panel finds the facts of each allegation proved based on Mr Wade's admissions and the statement of agreed facts.

The panel is satisfied that the relationship with Pupil A was inappropriate as it started when Pupil A was a pupil at the school and Mr Wade had responsibility for her pastoral care. Furthermore, even though the panel has proceeded on the basis that the sexual relationship did not commence until August 2014, this sexual relationship developed as a result of the earlier inappropriate relationship. By his own admission, Mr Wade continued to try to maintain contact with Pupil A after Pupil A had made it clear that this was unwelcome. This resulted in the caution for harassment, although Mr Wade states that it was not his intention to harass her and that he wished to maintain a friendship.

Findings as to unacceptable professional conduct

Having found each 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.

Mr Wade admits that his conduct amounts to unacceptable professional conduct. The panel had taken this admission into account, but made its own determination.

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 Wade in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Wade 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 in their own attendance and punctuality.

The panel is satisfied that the conduct of Mr Wade amounts to serious misconduct falling significantly short of the standards expected of the profession.

The panel has also considered whether Mr Wade's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

The panel is satisfied that Mr Wade is guilty of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

As to the protection of pupils, Mr Wade was able to develop his relationship with Pupil A because of his role as teacher and he had pastoral responsibilities in relation to her. He was in a position of trust and the public would expect their children to be in a safe environment within a school.

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

Notwithstanding 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 Wade.

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 Wade. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, eg 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;

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.

In considering mitigation, the panel noted that Mr Wade received a first written warning for an unrelated matter, which the panel disregarded. The panel is satisfied that Mr Wade's conduct was deliberate and he was not acting under duress. [Redacted] The panel noted that Mr Wade stated that he accepts complete responsibility for his actions. He stated that '*as a teacher [he] was in a position of trust and that in engaging in the relationship, albeit a consensual one with an adult, he breached this trust.*' The panel also noted that during the school's disciplinary proceedings, Mr Wade said that he did not wish to bring the school into disrepute and he apologised for this. However, the panel notes that at the disciplinary meeting, Mr Wade stated that the friendship was initiated by Pupil A and that she wanted more. Further that Pupil A was being '*vindictive*' and that he had been '*drawn into her trap.*' The panel is not satisfied that Mr Wade has demonstrated insight and remorse. The panel has not been provided with any character references or testimonials.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Wade. The serious nature of the misconduct and Mr Wade's lack of remorse and insight were significant factors 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 recommend that a review period of the order should be considered. The panel was mindful 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. These behaviours include serious sexual misconduct, eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person, particularly where the individual has used their professional position to influence or exploit a person. Whilst the panel accepts that Pupil A was 19 years of age when the sexual relationship began, the relationship began when Pupil A was a pupil at the school and under Mr Wade's pastoral care. The panel considers that the sexual misconduct was serious on that basis. Further, Mr Wade has shown a lack of remorse and insight.

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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

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

The panel found all of the allegations proven and have found Mr Wade guilty of unacceptable professional conduct and conduct that is likely to bring the profession into disrepute.

I have noted that the panel is satisfied that Mr Wade's conduct in relation to the facts found proven, involved breaches of the Teachers' Standards, in particular:

- 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 in their own attendance and punctuality.

I am satisfied that Mr Wade's conduct fell significantly short of the standards expected of the profession. Mr Wade was in a position of trust and the public would expect their children to be in a safe environment within a school.

I note 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

As to the protection of pupils, Mr Wade was able to develop his relationship with Pupil A because of his role as teacher and he had pastoral responsibilities in relation to her.

I have read the guidance that is published by the Secretary of State and taken that into account. I have also taken into account the need to be proportionate. I have also taken into account the public interest as well as the interests of Mr Wade.

Having taken all those factors into account and having considered the panel's recommendation to me, I support that recommendation that Mr Wade should be subject to a prohibition order. The serious nature of the misconduct and Mr Wade's lack of remorse and insight were significant factors in forming that opinion.

I have gone on to consider the panel's recommendation in respect of a review period.

Mr Wade's actions were deliberate and he was not acting under duress. I note the panel found that Mr Wade has shown a lack of remorse and insight.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct. Whilst I note that the panel accepts that Pupil A was 19 years of age when the sexual relationship began, the relationship began when Pupil A was a pupil at the school and under Mr Wade's pastoral care. The panel considers that the sexual misconduct was serious on that basis.

In the circumstances, and for the reasons set out, I support the panel's recommendation that there should be no review period.

This means that Mr Mark Bertram Wade 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 Wade 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 Wade 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: Jayne Millions

Date: 25 August 2016

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