



National College for  
Teaching & Leadership

# **Mr Martin Wrigley: 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 Martin Wrigley

**Teacher ref number:** 9038427

**Teacher date of birth:** 9 April 1969

**NCTL case reference:** 15479

**Date of determination:** 21 April 2017

**Former employer:** Chatburn Church of England Primary School, Lancashire

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 19 to 21 April 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Martin Wrigley.

The panel members were Mr Brian Hawkins (teacher panellist – in the chair), Mr John Matharu (former teacher panellist) and Mrs Ruth Winterson (lay panellist).

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

The presenting officer for the National College was Mr Ben Rich of Counsel.

Mr Martin Wrigley was not present and was not represented.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Proceedings dated 15 December 2016.

It was alleged that Mr Martin Wrigley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst working as a teacher at Chatburn Church of England Primary School in the period 1 September 2014 to 21 April 2016 he failed to maintain appropriate professional boundaries and/or appropriate professional standards in that:

1. In relation to Pupil A (a Year 6 female pupil) he:
  - a. Displayed favouritism and/or affection;
  - b. Retained photographs and/or videos of Pupil A on his school iPad without legitimate reason;
2. In relation to Parent X (Pupil A's mother) he sent to and/or received from her text messages, including sexually explicit text messages in the period May to September 2015.
3. In relation to Pupil B (Pupil A's sister) he exchanged inappropriate text messages in the period February to December 2015.

Mr Wrigley did not admit the alleged facts. No admissions were made as to unacceptable professional conduct or conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

### **Application to proceed in the absence of Mr Wrigley**

Mr Wrigley was not present and was not represented at the hearing. Mr Rich made an application to proceed with the hearing in the absence of Mr Wrigley. After hearing submissions from Mr Rich and receiving legal advice, the chair announced the decision of the panel as follows:

The panel has decided to proceed with the hearing in the absence of Mr Wrigley for the following reasons:

- The Notice of Proceedings was sent to Mr Wrigley in accordance with rule 4.11 of Teacher misconduct - Disciplinary procedures for the teaching profession (“the Procedures”).
- The panel is satisfied that Mr Wrigley is aware of the proceedings and has decided not to attend. In so acting, Mr Wrigley has voluntarily waived his right to attend.

- No application for an adjournment has been made. The panel is not satisfied that Mr Wrigley would attend or be represented at a later date if today's hearing is adjourned. Accordingly, no purpose would be served by an adjournment.
- Although the panel will not be able to hear from Mr Wrigley in person, the panel will be able to take into consideration his written responses to the allegations and evidence.
- There is a public interest in these proceedings being concluded reasonably promptly.

### **Application to anonymise names**

Mr Rich made an application under rule 4.60 of the Procedures for relevant pupils to be referred to as Pupils A to F. In addition, an application was made for the mother and father of Pupils A and B to be referred to as Parent X and Parent Z respectively.

The panel was satisfied that it was in the interests of justice to refer to the individuals in this way. The panel directed that their names and identities should not be disclosed during the hearing or at all.

## **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 5 to 10

Section 3: NCTL witness statements – pages 12 to 37

Section 4: NCTL documents – pages 39 to 151

Section 5: Teacher documents – pages 153 to 162

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

After the announcement of the panel's decision on facts, and unacceptable professional conduct, Mr Rich made an application to admit a copy of a letter from the National College to Mr Wrigley dated 2 August 2016 and a copy of the first page of a letter from the National College to Mr Rich dated 12 August 2016. These documents were admitted by the panel and added to section 4 of the bundle as pages 151A to 151C.

## Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Witness A, the father of Pupil A and Pupil B and husband of Parent X.
- Witness B, headteacher at the school.
- Witness C, secretary at the school.
- Witness D, teaching assistant at the school.
- Witness E, teacher at the school.

## 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 Martin Wrigley was employed as a teacher at Chatburn Church of England Primary School ('the School') from September 2014. He was a teacher of Class 4, which was comprised of Year 5 and Year 6 pupils.

Pupil A and her sister, Pupil B, both attended the school from Reception through to Year 6. Pupil A was taught by Mr Wrigley when she was in Year 5 and during her first term in Year 6. Pupil B was not a pupil at the School at the material time and had never been taught by Mr Wrigley. It is suggested that Pupil B had a growing friendship with Child G, the daughter of Mr Wrigley.

Parent X is the mother of Pupil A and Pupil B. Witness A is the husband of Parent X and the father of Pupils A and B. It is alleged that in September 2015, Witness A became aware that Mr Wrigley was exchanging text messages with Parent X of a sexually explicit nature. When this came to his attention, Witness A arranged to meet with Mr Wrigley on 3 September 2015. Witness A made a recording and then subsequently prepared a transcript of this conversation, which the panel has considered. During the meeting, Witness A told Mr Wrigley to stay away from his wife.

A short while later, it is alleged that Witness A became aware of text messages between Mr Wrigley and Pupil B. Witness A then went to see the headteacher, Witness B, to report his concerns. Witness B determined that an investigation should be conducted. During this investigation, statements were obtained from members of staff who

expressed concerns about Mr Wrigley's behaviour relating to Pupil A, including displaying favouritism towards her. In addition, concerns were raised about the retention on the school ipad of photographs and videos of pupils, including Pupil A.

The panel has carefully considered the oral and written evidence provided. Although Mr Wrigley was not present and not represented, the panel has had regard to Mr Wrigley's written responses in testing the oral evidence presented.

The panel has accepted the legal advice provided.

## **Findings of fact**

The panel's findings of fact are as follows:

**Whilst working as a teacher at Chatburn Church of England Primary School in the period 1 September 2014 to 21 April 2016 you failed to maintain appropriate professional boundaries and/or appropriate professional standards in that:**

**1. In relation to Pupil A (a Year 6 female pupil) you:**

**a. Displayed favouritism and/or affection;**

The panel heard evidence from Witness D, teaching assistant, who worked with Mr Wrigley in Class 4. The panel regarded Witness D as a credible witness. Witness D stated that shortly after Mr Wrigley started at the school, she noted that he appeared to be showing an amount of favouritism towards Pupil A. By way of example, she referred to him allowing Pupil A to regularly hand out books and collect spelling sheets to the exclusion of other pupils who asked to do so. Witness D also noted that Mr Wrigley allowed Pupil A to remain in the classroom at break and after lunch. She also said that she observed him going through maths papers with Pupil A alone at lunchtime. Witness D said that she spoke to Mr Wrigley and suggested that he needed to be careful as it appeared he was showing favouritism towards Pupil A. Witness D stated that, as her concerns about Mr Wrigley showing favouritism continued, she spoke to the headteacher at the time, Individual A, who later told her that he had spoken to Mr Wrigley and asked him to be professional at all times and not be too friendly with pupils.

Witness D also stated that Mr Wrigley confided in her that whilst he was working at his previous school he had been given several warnings and that one of these related to the use of Facebook. Mr Wrigley told her that he had been chatting on Facebook to a parent of a pupil in class. Witness D said that Mr Wrigley had insisted that the parent and family were just friends and that they had been bowling a few times with him and his daughters. Mr Wrigley had stated that he did not think that this friendship was anything to do with the school. Witness D said that she also reported this to Individual A. In addition, she started to make a note of incidents involving Mr Wrigley that she observed herself or which were reported to her by colleagues. This included Mr Wrigley's selection of Pupil A for a part in the Year 6 play in the summer of 2015. Traditionally Year 6 pupils would be given the

main parts, but there were not enough Year 6 pupils to take all the main parts and a request was made for a Year 5 pupil. Witness D said that the part was given to Pupil A by Mr Wrigley. Witness D said that she was approached by several Year 5 girls who were upset about this. Witness D said that one pupil asked her if she had a favourite pupil as Pupil A was Mr Wrigley's favourite.

The panel also heard evidence from Witness E, whom the panel regarded as a credible witness. Witness E stated that during the academic year 2014/2015 she noticed that Mr Wrigley would show favouritism towards Pupil A by picking her to be the winner of competitions or selecting her for a main part in the play. Witness E said that it got to the point of being a joke amongst staff about who would win a particular competition as they knew it would be Pupil A. Witness E said that it was obvious that Pupil A and Mr Wrigley had a friendly relationship and that she noted occasions at the end of the school day when Pupil A would hug or cuddle Mr Wrigley. Witness E said that she did not observe Mr Wrigley hugging Pupil A in return. However, she did not believe that Mr Wrigley took appropriate steps to discourage Pupil A from doing this. Instead, she said that Mr Wrigley would tend to speak to Pupil A in an overfamiliar way by, for example, discussing with her what each of them would be doing at the weekend. Witness E gave evidence of a specific occasion when she heard Pupil A speak to Mr Wrigley in a 'cocky way' and said that Mr Wrigley did not discipline her for doing so. Witness E said that it appeared to her that the pupil was speaking to Mr Wrigley as she would speak to her father rather than her teacher. Witness E also said that, during the academic year 2014/15, Pupil A seemed to enjoy being 'teacher's pet' and having Mr Wrigley's attention. Witness E said that Pupil A was a very outgoing and gregarious pupil during this period, but, when she returned in the Autumn of 2015, Pupil A had changed and was quite subdued and quiet. Witness E said that she believed that Pupil A felt uncomfortable with other pupils commenting on how Pupil A was the favourite of Mr Wrigley. However, Witness E acknowledged that Pupil A did not tell her or any other member of staff that this was a reason for being subdued. The panel noted that there were other aspects of her family life at that time that could have been responsible for Pupil A's change of demeanour in the autumn term in 2015. Nevertheless, the panel noted the evidence from both Witness E and Witness D as to comments made by other pupils and this was a potential consequence of favouring one pupil the the exclusion of others.

The panel also heard evidence from Witness C, school secretary, whom the panel regarded as credible. Witness C said that, based on her own observations, it was clear to her that Pupil A was close to Mr Wrigley. She referred to an occasion when she went to Mr Wrigley's classroom at breaktime when Pupil A came in to speak to Mr Wrigley for no apparent reason. Witness C said that she was also aware of 'general grumblings' around the school in relation to Mr Wrigley's conduct towards Pupil A. Witness C also said that, in the summer term of 2015, a parent asked her about Mr Wrigley and Pupil A. The parent told Witness C that she had noticed Pupil A constantly going back into school, hanging around Mr Wrigley and hugging him. Witness C said that she reported her concerns about the closeness between Pupil A and Mr Wrigley to Individual A.



The panel has also been provided with a copy of a letter from Individual A to Witness B dated 4 January 2016, which was prepared for the School's disciplinary proceedings. This stated that Individual A did speak to Mr Wrigley during his first year at the school and gave him informal advice about the importance of ensuring an appropriate professional distance and that Mr Wrigley stated that he was aware of the need to do this. The letter also stated that Mr Wrigley confirmed that he was aware of avoiding such situations from previous experience.

There is clear and convincing evidence that Mr Wrigley displayed favouritism towards Pupil A. The panel considered whether Mr Wrigley's conduct towards Pupil A can be described as displaying affection towards her. The panel is satisfied that the evidence presented establishes that Mr Wrigley's conduct towards Pupil A was overfamiliar and inappropriate. However, the panel is not satisfied that the evidence establishes that Mr Wrigley's actions demonstrated affection towards Pupil A.

The panel finds allegation 1.a. proved on the basis that Mr Wrigley displayed favouritism towards Pupil A and that, in doing so, he failed to maintain appropriate professional boundaries and appropriate professional standards.

**b. Retained photographs and/or videos of Pupil A on your school iPad without legitimate reason;**

The panel heard evidence from Witness D that she observed Mr Wrigley taking video films of pupils undertaking gymnastics. Mr Wrigley told her that he had done so that pupils could review their techniques. The video footage was of a number of pupils in pairs, including Pupil A. Witness D also stated that, when she looked at the laptop, there was also a video clip of Pupil A and Pupil C together pulling faces and smiling at the camera. Witness D stated that, to her recollection, Mr Wrigley did not show the photographs or videos in class. She also noted that, months later, the photographs and videos were still on the iPad and had not been deleted. The panel has been provided with a copy of a photograph of Pupil A, which does not appear to be a photograph of her undertaking any particular activity. The panel also heard evidence from Witness B, who said that she had introduced a policy which required members of staff to ensure that any photographs of pupils were not retained for longer than needed. Witness B stated that Mr Wrigley had signed to confirm that he had read the relevant policy. The panel noted that, when the policy was introduced, members of staff were not expressly instructed to apply the policy to photographs and videos that had already been taken, although this was clearly the intention of the policy.

During the school's investigation interview on 8 February 2016, Mr Wrigley was asked why photographs and videos that had been taken in November 2014 were still on the iPad. Mr Wrigley stated that the gymnastic footage was the type of material that he would save for Ofsted as evidence of PE lessons. However, the panel did not accept this explanation as some of the photographs and videos did not involve the pupils undertaking any educational activity.

The panel is satisfied, on the balance of probabilities, that Mr Wrigley retained photographs and videos on his school ipad without legitimate reason for doing so. This was in breach of the school's policy. The panel is satisfied that, in acting as he did, Mr Wrigley failed to maintain appropriate professional standards.

The panel finds allegation 1.b. proved.

**2. In relation to Parent X (Pupil A's mother) you sent to and/or received from her text messages, including sexually explicit text messages in the period May to September 2015.**

The panel has heard evidence from Witness A as to the text messages that he discovered and his subsequent conversation with Mr Wrigley. The panel has also considered copies of photographs of text messages in the period May to September 2015. Although Mr Wrigley has not made a formal admission of this allegation, the panel noted that, in his written response, he admitted exchanging text messages with Parent X in the relevant period. During an investigation meeting on 8 February 2016, Mr Wrigley admitted exchanging text messages with Parent X, but initially said that he could not recall any of them being sexually explicit. The investigation meeting was then adjourned to enable Mr Wrigley to read the messages concerned. After that adjournment, Mr Wrigley acknowledged that the messages had become sexually explicit. In the investigation meeting, Mr Wrigley stated that he had been exchanging text messages with Parent X about hoodies that Parent X and Witness A were organising for pupils who were going on a trip to Old Trafford. He said that the hoodies should have been sorted before the summer holidays, but as this did not happen, he was exchanging messages with Parent X during the summer holiday period. When asked how text messages about hoodies had become sexually explicit, Mr Wrigley stated that they were discussing their home lives and that Parent X was aware of his family background and that Parent X said that she was fed up and alone at night. When asked at what point he became aware that the exchanges had gone beyond appropriate communication between a parent and a teacher, Mr Wrigley responded that it was when Witness A arranged to meet him.

The panel has considered the content of the text messages. The panel notes that they were of an intimate nature and exchanged late at night. The panel is satisfied that the messages were sexually explicit.

Although the panel is satisfied of the facts alleged in allegation 2, the panel has also had regard to the overarching part of the allegation and considered whether the actions of Mr Wrigley represented a failure to maintain appropriate professional boundaries and/or appropriate professional standards. While the panel found Mr Wrigley's behaviour as highly inadvisable, it did not feel this behaviour breached professional standards or professional boundaries as it did not involve pupils or teaching.

The panel, therefore, finds allegation 2 not proved.

### **3. In relation to Pupil B (Pupil A's sister) you exchanged inappropriate text messages in the period February to December 2015.**

The panel heard evidence from Witness A about his concerns when he became aware that Mr Wrigley had been exchanging text messages with his eldest daughter, Pupil B. Witness A stated that he was concerned to discover that Mr Wrigley had exchanged text messages with Pupil B even after he had spoken to Mr Wrigley about his messages to Parent X. Witness A said that he regarded the text messages to Pupil B to be inappropriate and unnecessary. Witness A said that some of the messages simply involved Mr Wrigley asking Pupil B how she was and would sometimes be signed with a 'x' or an emoticon, which Witness A regarded as overfamiliar.

The panel has reviewed the text messages concerned which were dated between February and December 2015. During his disciplinary interview, Mr Wrigley stated that some of the messages were sent to Pupil B by his daughter when she used his phone. However, on reviewing the messages, the panel noted that some of the messages refer to Mr Wrigley's daughter's name in the third person and, therefore, cannot have been sent by her. The panel also noted that other messages, that did not refer to Mr Wrigley's daughter by name, were in a similar style, including using similar abbreviations, to messages that must have been sent by Mr Wrigley. The panel is satisfied, on the balance of probabilities, that the majority of messages had been written by Mr Wrigley.

The panel has taken into account the fact that Pupil B attended the same school as Mr Wrigley's daughter and some of the messages related to them traveling to school together. However, the panel also noted that the messages included one from Mr Wrigley in which he was instigating a sleepover with his daughter and Pupil B during the holiday period. Other messages contained references to Pupil A, including mention of Pupil A's school report and birthday. The panel also noted that Mr Wrigley continued to communicate with Pupil B by text message despite Witness A's meeting with Mr Wrigley on 3 September 2015. Although the focus of that meeting had been Mr Wrigley's sexually explicit messages to Parent X, the transcript of the meeting shows that Witness A told Mr Wrigley about the impact of the discovery of those messages on his family.

The panel is satisfied that the text messages exchanged by Mr Wrigley with Pupil B were inappropriate in view of the overfamiliar content, including the references to Pupil A. In the panel's view, it was particularly inappropriate that Mr Wrigley should continue to exchange such messages after he had been spoken to by Witness A.

The panel finds allegation 3 proved.

## Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found allegations 1.a. and 1.b. and 3 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 considered that showing favouritism to Pupil A and inappropriately texting Pupil B, taken in the context of the relationship he had formed with their mother, showed a reckless disregard for the possible impact of his behaviour on the well-being of Pupils A and B. In his teaching, Mr Wrigley had a number of informal warnings about his behaviour in becoming overfamiliar with pupils, thereby undermining professional boundaries. In ignoring this advice, Mr Wrigley demonstrated a cavalier attitude by not taking it on board and acting upon it. The panel was also concerned that, despite being warned by Witness A about his contact with Parent X and its effect on their family, Mr Wrigley went on to engage in an inappropriate text exchange with Pupil B. In addition, the retention of photographs compromised school policy and could potentially have affected the safeguarding of pupils.

The panel is satisfied that the conduct of Mr Wrigley in relation to the facts found proven, involved breaches of the Teachers’ Standards. A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The panel considers that by reference to Part Two, Mr Wrigley 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
  - ...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...

The panel has also considered whether Mr Wrigley'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.

Nevertheless, the panel is satisfied that the conduct of Mr Wrigley amounted to serious misconduct which fell significantly short of the standards expected of the profession.

Accordingly, the panel is satisfied that Mr Wrigley is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered 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 finds that Mr Wrigley'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.

The panel has been provided with copies of Facebook messages that Mr Wrigley sent to Pupil B on 11 June 2016 and 3 September 2016. The panel notes that, prior to sending the second of these Facebook messages, letters had been sent to Mr Wrigley by the National College on 2 and 12 August 2016. These letters notified Mr Wrigley that the National College had received a referral from Lancashire County Council and that the National College would be undertaking an investigation into allegations, which included exchanging inappropriate text messages with Pupil B. Against this background, the panel considered that the Facebook messages sent by Mr Wrigley to Pupil B were relevant to the assessment of Mr Wrigley's insight into his conduct and to the risk of his conduct being repeated.

In determining 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. The panel found the following public interest considerations 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.

There is a strong public interest consideration in respect of the protection of pupils given the panel's finding that Mr Wrigley had shown a reckless disregard for the possible impact of his behaviour on the well-being of Pupils A and B.

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

The panel has taken into account the fact that it has not been alleged that Mr Wrigley's actions found proved in 1.a. and 1.b. and 3 were sexually motivated.

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 Wrigley. In doing so, the panel recognised that a prohibition order should only be imposed if such an order is necessary to protect the public interest. The panel also accepted that there may be circumstances in which there is a public interest in an effective teacher being able to continue in their chosen profession.

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 Wrigley. 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 well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to potentially harmful behaviour;

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.

The panel noted that Mr Wrigley has not previously been the subject of any disciplinary proceedings by the National College. Nevertheless, the panel has seen evidence that shows Mr Wrigley was previously, on a number of occasions, given informal advice about his conduct. Mr Wrigley has not presented any character references or testimonials. There was no evidence that Mr Wrigley's actions were not deliberate or that he was acting under duress. However, in his written submissions, Mr Wrigley has referred to matters of personal mitigation arising from his personal circumstances. [Redacted]. Mr Wrigley stated that these personal circumstances made it difficult for him

to focus totally on his teaching job. Whilst taking these circumstances into account, the panel is not satisfied that they justify or explain Mr Wrigley's conduct over the period concerned.

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 Wrigley. His lack of insight and the risk of his behaviour being repeated 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. The panel concluded that none of those behaviours were present in this case.

The panel felt the findings indicate a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period.

Whilst the panel is satisfied that a prohibition order is proportionate and appropriate, the panel considered that this is a case in which Mr Wrigley should have the opportunity to demonstrate at a future date that he has gained insight into his behaviours and their potential consequences. This is likely to be relevant to a future assessment of the risk of the conduct being repeated.

The panel recommends that Mr Wrigley should be permitted to apply for the prohibition order to be set aside after a period of two years.

## **Decision and reasons on behalf of the Secretary of State**

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

In considering this case I have also given very careful attention to the Advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of

State that Mr Wrigley should be the subject of a prohibition order, with a review period of two years.

In considering this case I have put from my mind the allegation that the panel did not find proven.

In particular the panel has found that Mr Wrigley 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
  - ...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...

The panel has also considered whether Mr Wrigley'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.

I must determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Wrigley, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed ".the Facebook messages sent by Mr Wrigley to Pupil B were relevant to the assessment of Mr Wrigley's insight into his conduct and to the risk of his conduct being repeated."

A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "His lack of insight and the risk of his behaviour being repeated were significant factors in forming that opinion." I have given this element considerable weight in reaching my decision.



I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has found the following behaviours to be relevant in this case:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to potentially harmful behaviour;

In my judgement the repeated nature of these behaviours does impact on the reputation of the profession. I consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Wrigley himself. The panel noted that Mr Wrigley has not previously been the subject of any disciplinary proceedings by the National College. The panel has seen evidence that shows Mr Wrigley was previously, on a number of occasions, given informal advice about his conduct. Mr Wrigley has not presented any character references or testimonials. I have also read the mitigation put forward by Mr Wrigley and considered by the panel. In my judgement this does not mitigate sufficiently against the behaviours shown by Mr Wrigley. As stated above, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 2 year review period.

I have considered the panel's comments concerning Mr Wrigley. The panel state "Mr Wrigley should have the opportunity to demonstrate at a future date that he has gained insight into his behaviours and their potential consequences. This is likely to be relevant to a future assessment of the risk of the conduct being repeated."

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. A two year review period is the minimum and I consider in this case that is sufficient. The prohibition remains a life time prohibition in any event unless and until Mr Wrigley applies to have his eligibility to teach restored.

I consider therefore that a two year review period is sufficient to satisfy the maintenance of public confidence in the profession.

**This means that Mr Martin Wrigley 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 3 May 2019, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Martin Wrigley remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Martin Wrigley 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: 25 April 2017**

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