



National College for
Teaching & Leadership

Mrs Sarah Barton: Professional conduct panel outcome

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

July 2017

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

Teacher: Mrs Sarah Barton

Teacher ref number: 0366148

Teacher date of birth: 21 December 1980

NCTL case reference: 015435

Date of determination: 06 July 2017

Former employer: ["the School"]

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 6 June 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mrs Sarah Barton. The hearing was adjourned to a second day to allow the matter to conclude and was finally determined on 6 July 2017.

The panel members were Mr Mark Tweedle (teacher panellist – in the chair), Ms Jean Carter (lay panellist) and Professor Roger Woods (teacher panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the National College was Ms Holly Quirk.

Mrs Barton was present and represented by Ms Allison Hollis of counsel.

Stages 1 and 2 of the hearing took place in public and was recorded. Stage 3 of proceedings was held in private.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 5 June 2017.

It was alleged that Sarah Barton was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at [redacted] between 1 September 2007 and 13 July 2016 you:

1. Failed to maintain boundaries and abused your position of trust, by having an inappropriate relationship with Pupil A, in that you:
 - a. Contacted Pupil A by telephone;
 - b. Met with Pupil A in your school office;
 - c. Took Pupil A in your car;
 - d. Kissed Pupil A;
 - e. Met Pupil A in numerous public places;
 - f. Took Pupil A to see the musical “Matilda” in London during half term;
 - g. Booked overnight accommodation for yourself and Pupil A;
 - h. Had sexual intercourse with Pupil A;
 - i. Attended Pupil A’s parents’ house;
 - j. Attended Pupil A’s birthday party.
2. In failing to maintain boundaries and abusing your position of trust, by having an inappropriate relationship with Pupil A, you were sexually motivated.

In Mrs Barton's reponse, dated 5 June 2017, to the Notice of Proceedings dated 2 June 2017, she admitted the facts and particulars giving rise to allegations 1 and 2. She also accepted that these facts amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute

A Statement of Agreed Facts had been prepared and signed by both parties.

C. Preliminary applications

At the commencement of the hearing, the panel heard an application from the Presenting Officer that the Notice of Proceedings included in the bundle should be disregarded and an updated Notice of Proceedings should instead be considered, which included an amended Allegation 2. The defence confirmed that they had no objection to this course of

action and indeed agreed with it. Mrs Barton's admissions were based on the allegations contained within the amended Notice.

Although the amended Notice of Proceedings did not comply with the rules in respect of timing of service, the panel allowed the application from the Presenting Officer as the new charges clarified the allegations and it was in the interests of justice, for both parties, that this matter be concluded as soon as practical.

The panel also considered an application from Ms Hollis that the hearing should be held in private. The panel decided that the public interest required that the first two stages of the hearing be heard in public, but that it was in interests of justice that stage 3 be heard in private.

Further, having considered the class-size of Mrs Barton, the panel also considered that it in the interests of justice that the name of the relevant school be anonymised in order to maintain Pupil A's anonymity.

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 Statement of Agreed Facts – pages 7 to 20

Section 3: NCTL witness statements – pages 21 to 35

Section 4: NCTL documents – pages 37 to 422

Section 5: Teacher documents – pages 424 to 468

In addition, the panel agreed to accept the following:

- An amended Notice of Proceedings dated 2 June 2017; and
- Mrs Barton's response dated 5 June 2017 to the amended Notice of Proceedings.

These two documents were included as pages 9a to 9i.

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

Witnesses

In light of the unequivocal admissions, the panel only heard oral evidence from Mrs Barton in respect of Stage 3. On her behalf, the panel also heard character evidence from:

- Witness A – a former colleague of Mrs Barton; and
- Witness B – friend of Mrs Barton.

E. Decision and reasons

The panel announced its decision and reasons as follows:

We have 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.

Mrs Barton had been employed at the School from September 2007 to July 2016 as a drama teacher. When she left the School's employment having resigned from her post, she held of the position of head of department for drama and dance.

During the academic year 2015/2016, Mrs Barton taught Pupil A and, at some point, a friendship developed between the two of them that culminated in a sexual relationship.

We have also considered it necessary to anonymise the two witnesses whose witness statements appear at pages of 22 to 35 of the bundle. We determined that not to do so would inevitably lead to Pupil A possibly being identified and it was therefore in the interests of justice to do so.

Findings of fact

Our findings of fact are as follows:

We must decide whether the facts of the case have been proved on the balance of probabilities and, having considered all of the evidence including the Statement of Facts, find the following allegations proved:

1. Failed to maintain boundaries and abused your position of trust, by having an

inappropriate relationship with Pupil A, in that you:

- a. Contacted Pupil A by telephone;**

This allegation is admitted by you in your witness statement of 16 May 2017 although we noted that in the Statement of Agreed Facts, this admission was limited to contacting Pupil A by telephone to arrange play rehearsals.

We also considered the evidence from Witness 1 and Witness 2 who have each provided signed and dated witness statements. We find these to be consistent and corroborative of each other and no suggestion has been made by either party that there has been any collusion between these two witnesses. Indeed, it would seem from these statements that both witnesses were close friends of Mrs Barton and felt some turmoil in being involved in these events.

On this basis and also that their evidence was agreed, we do place weight on what both of these witnesses state including that "Sarah informed me that she and Pupil A contacted each other using WhatsApp messaging rather than the iPhone message, as she said, it was not traceable" (Witness 1) and that both witnesses state when the events came to light, you had a new mobile phone having "got rid of" your previous phone.

On the basis of the Statement of Agreed Facts, admission and evidence of Witness 1 and Witness 2, we find this allegation proved.

b. Met with Pupil A in your school office;

This allegation is admitted by you in your witness statement of 16 May 2017 and is also agreed in the Statement of Agreed Facts.

We have also considered the evidence of Witness 1 and Witness 2 who confirm that Pupil A was spending an increasing amount of time in the School office and her behaviour and interaction with other members of staff was changing as a result.

Whilst we accept that, on occasion, it maybe appropriate for a pupil to be in a staff area and that teachers should be friendly to pupils, considering

- the amount of time that Pupil A was spending with you;
- her change in attitude to other teachers;
- that you considered each other friends; and
- other members of staff had expressed concern over the amount of time Pupil A was spending in the office.

We find this allegation proved.

c. Took Pupil A in your car;

This allegation is admitted by you in your witness statement of 16 May 2017 and is also agreed within the Statement of Agreed Facts to the extent that you had Pupil A's parents' permission to drive Pupil A.

We have considered the evidence of Witness 2 who states that you would often "meet Pupil A from her workplace and take her home". On balance, we determined that this was a reference to you picking Pupil A up from work in your car.

Witness 1 states that you told her you had sex in your car with Pupil A (paragraph 15) and it is a natural inference that this happened after you had picked up Pupil A in your car.

We acknowledge that Pupil A's parents gave their permission for their daughter to be in your car. However, this permission must clearly only have been given on the basis that there was a legitimate teacher/pupil relationship between you and their daughter.

On balance, we find this allegation proved.

d. Kissed Pupil A;

This allegation is admitted by you in your witness statement of 16 May 2017 and is within the Statement of Agreed Facts.

We have also noted that evidence of Witness 2 states at paragraph 22 of her witness statement that you showed her a photograph on your phone of yourself and Pupil A kissing on the lips. For the reasons previously given, we find Witness 2's evidence to be credible.

This physicality with any pupil is clearly inappropriate and we have therefore found this allegation proved.

e. Met Pupil A in numerous public places;

This allegation is admitted by you in your statement of 16 May 2017 and also as part of the Statement of Agreed Facts.

By your own admission, you met Pupil A at the pub and at a restaurant. We have also considered Witness 2's evidence that you told her that you would pick Pupil A up from her place of work and take her home.

When we considered the number of meetings that must have taken place and the relationship with Pupil A, these meetings were inappropriate and we find this allegation proved.

f. Took Pupil A to see the musical “Matilda” in London during half term;

This allegation is admitted in your statement of 16 May 2017 and included in the Statement of Agreed Facts.

We have noted your statement asserts this trip was arranged by Pupil A. Regardless of who actually organised this trip, it took place in June 2016 when your relationship with Pupil A had been developing for some time. This was clearly inappropriate. We also note that this trip took place despite the advice that Witness 2 gave to you not to go.

Because of these reasons, we find this allegation proved.

g. Booked overnight accommodation for yourself and Pupil A;

This allegation is admitted in your statement of 16 May 2017 and included in the Statement of Agreed Facts.

We have noted the corroborative evidence from Witness 1 and Witness 2 that hotel stays took place on at least two occasions.

Such an action is clearly inappropriate for a teacher and a student and we find this allegation proved.

h. Had sexual intercourse with Pupil A;

This allegation is admitted in your statement of 16 May 2017 and included in the Statement of Agreed Facts.

We have also considered the evidence of Witness 1 and Witness 2 who both confirm you told them that you were in a sexual relationship with Pupil A. Witness 1 states that you had told her that you had had sex with Pupil A in your car and in fields in [the locality].

It is clear that a sexual relationship existed between you and Pupil A. We find this allegation proved.

i. Attended Pupil A’s parents’ house;

This allegation is admitted in your statement of 16 May 2017 and confirmed within the Statement of Agreed Facts.

We have also considered Witness 1's evidence that you would attend Pupil A's home for dinner. Whilst we accept that there may possibly be occasions when such visits by a teacher could be appropriate, this was clearly not the case given your ongoing relationship with Pupil A.

We find this allegation proved.

j. Attended Pupil A's birthday party.

This allegation is admitted in your statement of 16 May 2017 and confirmed in the Statement of Agreed Facts.

Again, whilst we accept there could be an occasion when attending a pupil's birthday party maybe acceptable, in light of your ongoing relationship with Pupil A, we find this allegation proved.

Because of all the reasons given, it is clear to us that you consistently and persistently failed to maintain appropriate boundaries and abused your position of trust not only with Pupil A but also, on occasion, with Pupil A's parents and we find the entirety of allegation 1 proved.

2. In failing to maintain boundaries and abusing your position of trust, by having an inappropriate relationship with Pupil A, you were sexually motivated.

This allegation is admitted in your statement of 16 May 2017 and confirmed in the Statement of Agreed Facts.

It is self-evident that any relationship between a teacher and a pupil leading to and / or involving any sexual activity must be sexually motivated. We therefore find this allegation proved.

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

Having found all of the allegations to have been proven, we have 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 we refer to as "the Advice".

We are satisfied that the conduct of Mrs Barton in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mrs Barton 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mrs Barton fell significantly short of the standards expected of the profession.

We have also 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. We have also 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.

We therefore find that Mrs Barton'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.

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.

In light of the panel's findings against Mrs Barton, which involved an inappropriate relationship with a pupil that developed over a number of months into that of a sexual relationship, there is a strong public interest consideration in respect of the protection of pupils given the seriousness of the conduct.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Barton were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considered there is a strong public interest in declaring proper standards of conduct in the profession and that Mrs Barton's conduct 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 Mrs Barton.

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 Mrs Barton. 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);
- sexual misconduct involving actions that were sexual in nature

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 heard evidence regarding mitigation and character in private.

The panel heard in oral evidence strong positive character reviews of Mrs Barton from one of her teaching colleagues, Witness A, and also from a close friend of hers, Witness B. The panel was greatly assisted by both of these witnesses who were both compelling and gave clear, unambiguous answers to all questions.

The panel was left in no doubt from Witness A's evidence that Mrs Barton had been an exceptionally well respected member of staff who greatly assisted the progress of pupils in their school careers. He explained that she was one of the most dedicated of his colleagues and, even with the full knowledge of the allegations and her admissions, would be quite content for Mrs Barton to teach his daughter.

Witness B assisted the panel as to the manner in which Mrs Barton contributed to the local area [redacted].

The panel also considered the number of positive testimonials from both colleagues and parents of pupils. In light of Mrs Barton's open acceptance that the parents' testimonials were unlikely to have been prepared with knowledge of the offences, the panel placed little weight on these as mitigation for her conduct but accepted these corroborated the panel's view as to her qualities as a teacher.

The panel noted that those written character references provided by staff at the School were provided in August 2016, at a time when Mrs Barton had denied the allegations. The panel also noted these references did not contain any suggestion that the authors were aware of the details of the allegations and therefore placed limited weight on these.

Nevertheless, the panel did find that the oral testimonials provided and also the passion displayed by Mrs Barton when she gave evidence, showed a teacher who really was dedicated to her career and to ensuring that the pupils at her school received the best education available. The panel was left in no doubt that Mrs Barton was an asset to the profession and her not being able to teach would be a loss to both pupils and the profession as a whole.

The panel also heard evidence from Mrs Barton and determined that she gave her evidence in a controlled and measured manner. The panel considered that the full admissions that were made to extremely serious allegations of a sensitive nature was to her credit and suggested an acceptance of the repercussions of her actions and a genuine appreciation of the impact on Pupil A.

In the preceding few months before the relationship commenced, the panel heard that Mrs Barton experienced significant trauma [redacted]. There is no doubt in the panel's mind that Mrs Barton may have benefited from a period of time away from work.

Whilst Mrs Barton's personal circumstances were not unique, there is no doubt that they were unusual and extreme and in the view of the panel could have impacted on her judgement prior to and during the relationship with Pupil A.

[redacted].

Whilst there was no evidence that Mrs Barton's actions began in any deliberate manner, in light of the length of time that the relationship developed and the emotional benefit gained by Mrs Barton, the panel had to conclude there was planning by her to some degree. Mrs Barton was the teacher and [redacted]. there were numerous opportunities for the relationship to be terminated by her. This was a sexually motivated relationship that continued despite warnings from her colleagues. It was not a one-off spontaneous event.

Mrs Barton was an experienced teacher who did have a previously good history. The panel accepts that the behaviour was out of character for her and arose, in part, from the extreme personal circumstances that she found herself in.

The panel considered that Mrs Barton showed genuine remorse for her conduct and thought her insight into these matters was developing. [redacted].

[redacted].

The panel has decided that the public interest considerations outweigh the interests of Mrs Barton. The fact the relationship has been accepted to be sexually motivated and indeed did culminate in sex was a significant factor in forming that opinion. There is unquestionably a strong public interest in Mrs Barton being allowed to teach but in light of the serious nature of the proven allegations, that public interest is outweighed by the other public interest considerations and therefore the publication of a decision on unacceptable conduct in these circumstances would be insufficient to meet the public interest considerations.

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 for them to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice advises 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 panel believed the findings indicated 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. The panel felt that Mrs Barton's apology was genuine, insight had been shown and appreciated that full admissions had been provided. It was also clear that Mrs Barton still had a significant amount to offer to both pupils and the profession as a whole. The panel was of the view a review period of 2 years would allow Mrs Barton to further develop her insight and understanding regarding safeguarding and professional boundaries.

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 sanction and review period.

In considering this case I have 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 all 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 Mrs Barton should be the subject of a prohibition order, with a review period of two years.

In particular the panel has found that Mrs Barton 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

These findings of misconduct are particularly serious as they include a finding of sexual misconduct on the part of a teacher.

I have to 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 Mrs Barton, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed that Mrs Barton's behaviour "involved an inappropriate relationship with a pupil that developed over a number of months into that of a sexual relationship." A prohibition order would prevent such a risk from being present going forward. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "showed genuine remorse for her conduct and thought her insight into these matters was developing. The panel was of the view that Mrs Barton was taking well judged actions to address the issues in her life, including

counselling, but also believed she did not yet have a clear understanding of professional boundaries and required a better appreciation of safeguarding and the ongoing duty of teachers.”

In my judgement the lack of complete insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ well-being. I have therefore 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 observe that “public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Barton were not treated with the utmost seriousness when regulating the conduct of the profession”. I am particularly mindful of the finding of sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

I have had to 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 Mrs Barton herself. I have given careful consideration to the mitigating factors set out by the panel in this case. I have also noted that the panel says “these references did not contain any suggestion that the authors were aware of the details of the allegations and therefore placed limited weight on these.”

The panel also refer to other matters in Mrs Barton’s personal life and I have taken those into account again noting that the panel said that it “was unclear how this could amount to mitigation to the conduct .”

A prohibition order would prevent Mrs Barton from continuing her work as a teacher. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel’s comments concerning the lack of total insight. In addition I have noted that the panel say that when the references were first sought, Mrs Barton “had denied the allegations.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Barton has made and is making to the profession. In my view it is necessary to

impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by full insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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, "The panel felt that Mrs Barton's apology was genuine, insight had been shown and appreciated that full admissions had been provided. It was also clear that Mrs Barton still had a significant amount to offer to both pupils and the profession as a whole. The panel was of the view a review period of 2 years would allow Mrs Barton to further develop her insight and understanding regarding safeguarding and professional boundaries."

I have carefully considered the guidance published by the Secretary of State which states, "A panel should consider recommending to the Secretary of State that a prohibition order is imposed with no provision for the teacher to apply for it to be set aside after any period of time where the case involved or permitted any of the following:

Serious sexual misconduct e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons".

I have specifically noted that the panel has not made a finding of serious sexual misconduct in this case, and I have therefore not considered that as a finding in this decision. The panel has said that the conduct was sexually motivated and indeed are clear from their findings that "This was a sexually motivated relationship that continued despite warnings from her colleagues. It was not a one-off spontaneous event."

I consider that a relationship, which the panel itself says, "involved an inappropriate relationship with a pupil that developed over a number of months into that of a sexual relationship" is nonetheless a very serious matter.

The panel itself, in considering the various mitigating circumstances says, "The panel accepts that the behaviour was out of character for her and arose, in part, from the extreme personal circumstances that she found herself in." However the panel are also clear that some of those circumstances [redacted].

The panel has also said that a 2 year review period would " would allow Mrs Barton to further develop her insight and understanding regarding safeguarding and professional boundaries."

I have therefore 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. In this case, there are two factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the sexual misconduct found and the lack of complete insight. I am therefore substituting a longer review period of 5 years as the review period. I believe that this better reflects the public interest in this case and better reflects the concerns that the public will have about a sexual relationship between a teacher and a pupil, albeit where there were some mitigating circumstances.

In my view a 5 year review period is proportionate and in the public interest. I am therefore taking the decision to impose a prohibition order with a provision for an application to be made to set the order aside after a minimum of 5 years.

This means that Mrs Sarah Barton is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 28 July 2022, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Sarah Barton remains prohibited from teaching indefinitely.

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

Mrs Sarah Barton has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.



Decision maker: Alan Meyrick

Date: 14 July 2017

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