



National College for  
Teaching & Leadership

# **Mr Robin Keith Malton: 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 Robin Keith Malton  
**Teacher ref number:** 9442698  
**Teacher date of birth:** 9 June 1958  
**NCTL case reference:** 15305  
**Date of determination:** 25 April 2017  
**Former employer:** Norwich High School for Girls

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 24 to 25 April 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Robin Keith Malton.

The panel members were Mr Tony Woodward (former teacher panellist – in the chair), Mr Sathi Ariya (lay panellist) and Mr Brian Hawkins (teacher panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Ben Chapman of Browne Jacobson LLP solicitors.

Mr Robin Keith Malton 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 22 December 2016 (as amended as set out below).

It was alleged that Mr Robin Keith Malton was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at the Norwich High School for Girls, he:

1. Failed to maintain professional boundaries through his inappropriate contact with and/or regarding Pupil A between 2014 – 2016 in that he:
  - a. Sent one or more inappropriate comments to her by e-mail which included the words, or words to the effect:
    - i. “Not a particularly crazy dark haired pretty one from Norfolk mentioned though;”;
    - ii. [Redacted]
    - iii. “can’t say won’t say”;
    - iv. “Especially you”;
    - v. “I think you should configure this account on your mobile phone for several reasons” followed by a winking face;
    - vi. “I’ll be so proud of you”;
    - vii. “It was nice to spend time with you this week”;
    - viii. “Waking up in a curious mood”;
    - ix. “You have not replied”;
    - x. signing emails off with an “R” and/or “x” denoting kisses;
    - xi. that he could not keep secrets from her;
  - b. Took a photograph of her without her permission and sent this to her by email;
  - c. Used personal and/or school email accounts to email her on her personal email account on one or more occasions;
  - d. Contacted her via email during the school holidays;
  - e. Sought to conceal and / or keep hidden the nature of his conduct with Pupil A by asking her to delete one or more emails from himself;

- f. Gave her gifts, including;
    - i. one or more birthday cakes;
    - ii. 'L' plates;
    - iii. computer cleaning equipment;
    - iv. a mug;
  - g. Responded to a request from Pupil A with a note stating "something else you owe me for" or words to that effect;
  - h. Posted on social media platforms, including:
    - i. a post on Twitter that he was proud of all his coding girls of whom Pupil A was one;
    - ii. a post on Pupil A's Facebook page asking her to change her profile picture;
  - i. Sought out one or more meetings with Pupil A for purposes beyond his teacher-pupil relationship;
2. In doing as alleged at Allegation 1, he disregarded a final written warning he had previously received in 2002 following inappropriate contact with another pupil;
  3. In acting as alleged and may be found proven at allegations 1.a-i, his conduct was sexually motivated.

The statement of agreed and disputed facts signed by Mr Malton on 26 March 2017 reflects Mr Malton admitting the factual particulars of allegations 1 and 2 and that this conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Allegation 3 is not admitted. As the allegations as a whole have not been admitted, this matter is proceeding as a disputed case.

## **C. Preliminary applications**

### Constitution of the panel

At the start of the hearing the legal advisor outlined the content of paragraph 4.1 of the Disciplinary Procedures for the Teaching Profession ("the Procedures") which relates to the constitution of the panel. Paragraph 4.1 states that the panel will include at least one panel member who will be a teacher or someone who has been a teacher in the five years immediately prior to the date they were appointed as suitable to be a member of a professional conduct panel. This panellist will be referred to as a 'teacher panellist'. The

National College also requires a teacher panellist to have actively taught within the seven years prior to sitting on a panel. Mr Brian Hawkins satisfies this definition of a teacher panellist. Paragraph 4.1 of the Procedures goes on to state that the panel will include at least one member, “who will have never worked as a teacher; referred to as a ‘lay panellist’”. Mr Sathi Ariya satisfies this definition. Finally, paragraph 4.1 states that the third panel member may be a person who has taught previously, but does not currently meet the ‘teacher panellist’ criteria and will be referred to as a former teacher panellist. Mr Tony Woodward, the chair, satisfies this definition. The legal advisor’s advice is that this panel is correctly constituted in accordance with the Procedures. The Procedures do not specify that a panel will be made up of a certain gender balance and a single gender panel is permissible in accordance with the Procedures.

The presenting officer submitted that it is the National College’s aim to achieve diversity amongst its panel members, however there is nothing to suggest that a single gender panel would have a negative impact on the outcome of these proceedings. The three members of the panel must act as a single independent body when considering these proceedings.

The panel had regard to email correspondence from the presenting officer to Mr Malton dated 10 April 2017. In this correspondence, Mr Malton was notified that a female panellist had been replaced by a male panellist and he was asked to confirm if he had any objection to an all-male panel. In his response of 18 April 2017, Mr Malton confirmed that the absence of a female panellist in the hearing is not something to which he would object.

Taking all of this into account, the panel confirmed that it was content to proceed as currently constituted.

#### Proceeding in absence

The panel has considered whether this hearing should continue in the absence of Mr Malton.

The panel is satisfied that the National College has complied with the service requirements of paragraph 19 a to c of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Procedures.

The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of Mr Malton.

The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has noted that a teacher may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The Notice of Proceedings dated 22 December 2016 was sent to an email address Mr Malton has previously responded to and he has responded by completing and signing the Notice of Proceedings form, which indicates he did not intend to attend this hearing. The panel is therefore satisfied that Mr Malton is actually aware of the proceedings. In addition, with the Notice of Proceedings being dated 22 December 2016, more than 8 weeks' notice of this hearing has been given.

The presenting officer submitted that Mr Malton's email to him of 5 April 2017, included in the bundle, confirms that Mr Malton often works for days at a time offshore and it may be that Mr Malton finds it difficult to take time off work. The presenting officer submitted that there is no evidence that if this hearing were to be adjourned that this would render it more likely that Mr Malton would attend.

The panel considers that Mr Malton has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in Mr Malton attending the hearing. Mr Malton has also indicated in the Notice of Proceedings form that he does not wish to be legally represented at the hearing.

The panel has had regard to the extent of the disadvantage to Mr Malton in not being able to give his account of events, having regard to the nature of the evidence against him. The panel has the benefit of written representations made by Mr Malton and is able to ascertain the lines of defence. The panel has Mr Malton's written evidence addressing mitigation and is able to take this into account at the relevant stage. The panel has evidence in the bundle from the National College's witnesses and the panel can test that evidence in requesting that two of those witnesses appear at the hearing, if it so wishes, considering such points as are favourable to Mr Malton, as are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr Malton's account.

The panel has had regard to the seriousness of this case, and the potential consequences for Mr Malton and has accepted that fairness to Mr Malton is of prime importance. However, it considers that in light of Mr Malton's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

#### Application to delay publication of the decision

The panel had regard to the presenting officer's application, included in the bundle, dated 27 March 2017, which seeks to delay publication of the panel's decision in this case until a date no earlier than 3 July 2017. The application states that the relevant school has raised the concern that Pupil A's performance in her examinations would be affected if the decision was published prior to this date. Even though Pupil A is not to be called to give oral evidence, the school remains concerned about the potential effect the publication of any decision will have on Pupil A in advance of her preparing for and undertaking examinations. The application states that there is likely to be speculation as to the identity of Pupil A which is likely to cause her increased stress and anxiety. Rather than seek a postponement of this hearing, the presenting officer considers it would be proportionate to delay publication of the panel's decision. It is submitted, in the application, that this would not prejudice any parties or the public interest. A delay in publication will have the effect of limiting the impact of any decision on Pupil A's education.

In his oral submissions, the presenting officer submitted that Pupil A has not asked for the attention that she received from Mr Malton. It is the National College's position that to prevent any undue prejudice to Pupil A's studies that the pragmatic and fair response would be to delay publication of the decision in this case.

The panel noted that no member of the press is in attendance at the hearing as an observer, but a member of the relevant school is in attendance. The presenting officer submitted that if a member of the press attended the hearing then the panel, at a later stage, could decide to take further steps to prevent any decision to delay publication being undermined by a member of the press attending the hearing.

The legal advisor informed the panel that the Education Act 2011, introduced amendments to the Education Act 2002 ("the Education Act"). Paragraph 4(b) of Schedule 11 A of the Act states that regulations may make provision about the publication of information relating to the case of a person to whom a prohibition order relates. The legal advisor further informed the panel that this provision does not indicate that information relating to a prohibition order must be published within a specific timescale.



The legal advisor further advised that Regulation 8(5) of the Teachers' Disciplinary (England) Regulations 2012 ("the Regulations") states that the decision of the Secretary of State following the determination of a professional conduct panel must be published. Again, the panel noted that it is not specified that publication take place within a particular timeframe.

Further, the legal advisor informed the panel that the Procedures state at paragraph 4.78 that "The decision, along with a summary of the evidence and the reasons for the decision, will be made available on the [Gov.uk](http://Gov.uk) website within two weeks of the decision being made". Therefore, the usual timeframe for publication of a decision relating to a prohibition order is within two weeks of the decision being made. However, the panel noted the additional advice from the legal advisor, in that paragraph 1.4 of the Procedures states that any procedures or requirements set out in these Procedures, except for matters subject to the Regulations, may be waived or varied where there is agreement between the teacher or the teacher's representative and the presenting officer, provided that such waiver or variation is not contrary to the interests of justice.

The panel noted from the bundle that in email correspondence of 5 April 2017, Mr Malton stated that he had no objection to the delay in the publication of the findings following this hearing for the reasons outlined in the presenting officer's application of 27 March 2017.

The panel is concerned that given its decision to proceed with this hearing, the Procedures indicate that its decisions on facts and unacceptable professional conduct and/or conduct that may bring the profession into disrepute will be announced at the hearing. The panel does not consider it would be in the public interest to delay the announcement of its findings relating to these issues, in the light of the presenting officer's application.

The panel is concerned that it cannot control a member of the press and therefore it cannot avoid the possibility that a member of the press would publish details relating to this hearing if they attend. Therefore, the panel considered that any decision to delay publication until a period of time after Pupil A has finished her examinations is at risk of being undermined. The panel also noted that no independent evidence from the relevant school or Pupil A has been provided to support the presenting officer's application and as a result, the panel was not persuaded that the interests of Pupil A or the impact on her education, should override the public interest. The panel considered that despite Mr Malton's agreement to the presenting officer's application, a waiver or variation of paragraph 4.78 of the Procedures was not reasonable and is contrary to the interests of justice.

The presenting officer's application to delay publication of the decision in this case until a date no earlier than 3 July 2017 is therefore rejected.

## Amendment of the allegations

The presenting officer applied to amend the numbering of allegation 1.h.iii in the Notice of Proceedings, which is an allegation that does not relate to the stem of allegation 1.h. The presenting officer submitted that the statement of agreed and disputed facts indicates that there is no allegation 1.h.iii and there is instead allegation 1.i which Mr Malton has admitted. Allegation 1.i in the statement of agreed and disputed facts contains the wording of what is currently 1.h.iii in the Notice of Proceedings. The panel also noted that the wording of 1.i contains the words “Sought out one or more different meetings with Pupil A...”. The word “more” appears to be missing from the wording currently included in allegation 1.h.iii. The presenting officer submitted that this is a typographical error and the word “more” needs to be included in allegation 1.i so that the phrase “one or more” makes sense.

The legal advisor informed the panel that paragraph 4.56 of the Procedures states that the panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

The panel noted that generally, an amendment will cause unfairness or prejudice if it changes the nature of the allegation or makes it more serious than before, or changes the factual basis upon which the allegation is founded. The legal advisor advised the panel that the question the panel should ask itself is whether Mr Malton’s case would have been presented differently if the amendment had been made at an earlier stage.

The panel considers that the amendments requested by the presenting officer do not change the nature, scope or seriousness of the allegations. They are simply amendments that would bring the wording of the allegations into line with what Mr Malton has admitted in the statement of agreed and disputed facts. The panel considered these amendments are simply a correction of typographical errors that would not cause Mr Malton to present his case differently. Therefore, the panel was content to accept the presenting officer’s application to renumber allegation 1.h.iii as 1.i and include the word “more” in the stem of allegation of 1.i.

## **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 1 to 3

Section 2: Notice of Proceedings and Response – pages 4 to 17

Section 3: National College's witness statements – pages 18 to 189

Section 4: National College's documents – pages 190 to 277

Section 5: Teacher documents – pages 278 to 281

Section 6: Application and response – pages 282 to 288

In addition, the panel agreed to accept the following:

- Email correspondence between the presenting officer and Mr Malton dated 10 and 18 April 2017 respectively which is paginated 289.

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

## **Witnesses**

The panel noted that Mr Malton was advised in the Notice of Proceedings that at least three witnesses were due to be called by the National College. However, the presenting officer submitted to the panel that the National College does not propose to call any oral witnesses to give evidence at the hearing. The presenting officer has asked that the headteacher and investigating officer from the relevant school be available by telephone should the panel wish to ask these witnesses questions.

The legal advisor drew paragraph 4.18 of the Procedures to the panel's attention. This states that the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case. The legal advisor asked the panel to consider whether these witnesses may be able to provide any character evidence or evidence relating to Mr Malton's teaching capabilities.

The panel carefully considered whether it should request that these two witnesses attend by telephone so that they could provide any further relevant evidence. On balance, the panel decided that there was sufficient information relating to Mr Malton's character and teaching capabilities within the bundle and that there was no further relevant evidence that these witnesses may provide, beyond the content of their written evidence. Therefore, the panel did not consider it was fair or necessary to request that the headteacher and investigating officer attend this hearing by telephone.

Therefore, the panel heard no oral evidence.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

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

Mr Malton had been employed at the School as head of computing from 1 September 2000. On 1 February 2016, the headteacher of Norwich School for Girls (“the School”) received a concern from a pupil that a member of staff had been emailing her unnecessarily and this had been making her feel uncomfortable. The School commenced a disciplinary investigation and Mr Malton was suspended on 4 February 2016. A disciplinary hearing took place on 21 March 2016 and Mr Malton was dismissed following this hearing.

## **Findings of fact**

The panel’s findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

### **Whilst employed as a teacher at the Norwich High School for Girls, you:**

- 1. Failed to maintain professional boundaries through your inappropriate contact with and/or regarding Pupil A between 2014 – 2016 in that you:**
  - a. Sent one or more inappropriate comments to her by e-mail which included the words, or words to the effect:**
    - i. “Not a particularly crazy dark haired pretty one from Norfolk mentioned though;)”;**
    - iii. “can’t say won’t say”;**
    - iv. “Especially you”;**
    - v. “I think you should configure this account on your mobile phone for several reasons” followed by a winking face;**
    - vii. “It was nice to spend time with you this week”;**
    - viii. “Waking up in a curious mood”;**
    - ix. “You have not replied”;**
    - x. signing emails off with an “R” and/or “x” denoting kisses;**
    - xi. that you could not keep secrets from her;**

In his opening submissions, the presenting officer stated that Mr Malton first met Pupil A when he taught her in Year 9 and he went on to teach her GCSE computing. For GCSE he taught her one day during each week and one session on a Saturday.

The factual particulars of allegations 1 have been admitted in the statement of agreed and disputed facts signed by Mr Malton on 26 March 2017. The panel had regard to the bundle of documents, which contains email messages from Mr Malton to Pupil A. This includes each of the emails and messages or, words to that effect, as referred to in allegations 1.a.i, 1.a.iii to 1.a.v, 1.a.vii to 1.a.xi. The presenting officer submitted that the factual particulars of these allegations are admitted.

Taking all of the evidence into account, the panel was satisfied that these comments amounted to inappropriate comments for Mr Malton to send to Pupil A via email and were examples of his failure to maintain appropriate professional boundaries with Pupil A during the period 2014 – 2016. This conduct also amounted to inappropriate contact. The panel therefore found allegations 1.a.i, 1.a.iii to 1.a.v, 1.a.vii to 1.a.xi proven.

**b. Took a photograph of her without her permission and sent this to her by email;**

The panel had regard to Pupil A's witness statement in which she states that there was an occasion when Mr Malton sent her a photo of herself sat next to her friend. The email dated 24 April 2015 sent by Mr Malton to Pupil A contained this photograph. The panel had regard to this photograph in the bundle. Pupil A further states in her witness statement that she did not ask Mr Malton to take this photograph and she was not aware that he had taken it until he sent it to her. Pupil A said that Mr Malton did not explain why he took it and he did not send any accompanying messages except the title in the subject heading "For you". The panel noted that Mr Malton has admitted this allegation in the statement of agreed and disputed facts.

The panel was concerned that Mr Malton saw fit to breach appropriate safeguarding procedures by taking a photograph of Pupil A and sending this to Pupil A by email, which in the panel's view was an inappropriate action which also placed this picture in the public domain. The panel considered this was evidence of Mr Malton failing to maintain professional boundaries and undertaking inappropriate contact with Pupil A during 2014-2016. The panel therefore finds this allegation proven.

**c. Used personal and/or school email accounts to email her on her personal email account on one or more occasions;**

The panel carefully considered the range of email messages included in the bundle which Mr Malton sent to Pupil A. The panel found no evidence that Mr Malton had used his school email account to email Pupil A's personal email account. However, the panel found there were multiple examples, in the bundle, of Mr Malton using his personal email address to email Pupil A's personal email account during the period 2014 - 2016.

The School's guidance for safer working practice for those working with children and young people in education settings, dated September 2015, states that "Staff should not give their personal contact details to children for example, e-mail address..." This guidance goes on to state, "Staff should not request or respond to any personal information from children other than which may be necessary in their professional role".

The panel found Mr Malton's behaviour relating to this allegation, represented a failure to maintain appropriate professional boundaries through inappropriate contact with Pupil A. The panel therefore found this allegation proven.

**d. Contacted her via email during the school holidays;**

The panel had regard to an email in the bundle dated 17 August 2015, which Mr Malton sent to Pupil A during a school summer holiday period. In this email Mr Malton stated that he was visiting Skye. This is an example of Mr Malton failing to maintain appropriate professional boundaries and undertaking inappropriate contact with Pupil A during the period 2014-2016. Therefore, the panel found this allegation proven.

**e. Sought to conceal and / or keep hidden the nature of your conduct with Pupil A by asking her to delete one or more emails from yourself;**

In her witness statement, Pupil A states that Mr Malton asked her to delete the emails he had sent her. He stopped her abruptly at School in the corridor and asked her in person. Pupil A did not know why he had asked her to delete the emails and she, "guessed" that he was perhaps being investigated for something and that he wished her to "cover his back". The panel noted that Mr Malton admitted this allegation in the statement of agreed and disputed facts.

In the panel's view the evidence indicated that Mr Malton sought to conceal or keep hidden the nature of his conduct with Pupil A by asking her to delete one or more emails from himself. This is a further example of Mr Malton undertaking inappropriate contact with Pupil A and failing to maintain appropriate professional boundaries during the period 2014-2016. This allegation is therefore found proven.

**g. Responded to a request from Pupil A with a note stating "something else you owe me" or words to that effect;**

The panel further noted from Pupil A's undated written account in the bundle, that she recalled a time when she asked Mr Malton to help her write a "small 50 words" about herself, which he did and she received the placement she wanted as a result. She further states, in this written account, that Mr Malton came to her with a note in the School's library where she was studying, and the note said: "something else you owe me for". Pupil A further states in this written account that she would not have expected this response from any other teacher. The panel found the totality of Pupil A's written evidence credible.

The panel considered that the making of a statement such as this to a pupil is an example of inappropriate contact and a further example of Mr Malton's failure to maintain professional boundaries during the period 2014-2016. The panel therefore found this allegation proven.

**i. Sought out one or more meetings with Pupil A for purposes beyond your teacher-pupil relationship;**

The panel noted from Pupil A's undated written account that when she was in the sixth form, she found Mr Malton visiting her in the library for almost every free lesson. Pupil A further stated in her written account that on most occasions Mr Malton would have sent an email to her school account, then come to check she had received the email, and then he would speak to her about the email he sent. Pupil A further goes on to state that she did not expect a teacher to "randomly" come and find her.

In her witness statement, Pupil A states that her friends at the School noticed that Mr Malton would frequently ask to meet with her and they would ask her why Mr Malton would "follow her around". Her friends would joke that at the start of a free period, Mr Malton would come down to see Pupil A after five minutes and he would chat to her for around 15 minutes. Further in her witness statement, Pupil A stated that her meetings with Mr Malton often ended up being "general chats" which she found a bit "weird". There would be five minutes of academic discussion, and the rest of the discussion would relate to things like health or family issues. Pupil A did not bring these topics up in conversation, Mr Malton always asked her first.

The panel noted that Mr Malton admitted this allegation in the statement of agreed and disputed facts.

The panel found Mr Malton's behaviour in requesting one or more meetings with Pupil A was for purposes beyond his teacher-pupil relationship with Pupil A. This amounted to inappropriate contact with Pupil A and represented a failure to maintain appropriate boundaries as Mr Malton singled Pupil A out. This allegation is found proven.

**2. In doing as alleged at Allegation 1, you disregarded a final written warning you had previously received in 2002 following inappropriate contact with another pupil;**

The presenting officer submitted that the factual particulars of allegation 2 are admitted by Mr Malton.

The panel noted that a letter from the School to Mr Malton dated 5 December 2002 indicated that the School investigated Mr Malton's relationship and contact, inside and outside of School, with a member of the lower fifth year. A further letter from the School dated 10 December 2002 indicated that Mr Malton was given a first and final written warning for issues relating to misconduct which included serious professional misconduct in his relationship with a person. The panel assumes this person was a lower fifth pupil.



Taking all the evidence into account, the panel considers that the conduct it has found proven in relation to allegations 1.a.i, 1.a.iii. to 1.a.v, 1.a.vii. to 1.a.xi, 1.b. to 1.e, 1.g. and 1.i, are examples of Mr Malton acting in breach of the final written warning he received in 2002 as referred to in the wording of allegation 2, for inappropriate contact with another pupil. Allegation 2 is therefore found proven.

The panel has found the following particulars of the allegations against you not proven, for these reasons:

**1. Failed to maintain professional boundaries through your inappropriate contact with and/or regarding Pupil A between 2014 – 2016 in that you:**

**a. Sent one or more inappropriate comments to her by e-mail which included the words, or words to the effect:**

**ii. ; [Redacted]**

Although the panel found evidence, in the bundle, of Mr Malton having sent an email containing this comment to Pupil A, the panel was not satisfied that this expression amounted to an inappropriate comment. Mr Malton had referred to the way in which his niece styled herself through her choice of email address; he was not referring to Pupil A.

The panel was not satisfied on the balance of probabilities that this was a failure to maintain professional boundaries. Accordingly, the panel finds this allegation is not proven.

**vi. “I’ll be so proud of you”;**

The panel found evidence, in the bundle, of Mr Malton having sent Pupil A an email message stating happy birthday to Pupil A. He stated at the end of this message “I’ll be so proud of you...” The panel considered that this comment was not inappropriate in the context of wishing Pupil A a happy birthday and therefore the panel did not consider this an inappropriate comment. The panel also did not consider that this was a failure to maintain professional boundaries. This allegation is therefore found not proven.

**f. Gave her gifts, including;**

**i. one or more birthday cakes;**

**ii. ‘L’ plates;**

**iii. computer cleaning equipment;**

**iv. a mug;**

The panel had regard to an undated written statement Pupil A prepared in which Pupil A states that at the start of 2015, Mr Malton stated to his pupils that he would make a cake for his students in computing GCSE if their birthday fell during a Friday lesson. Pupil A thought this was “okay.” This in the panel’s view is evidence that Mr Malton gave Pupil A



a cake as a gift. In his written representations to the National College, Mr Malton states that cakes were baked for any member of the GCSE classes whose birthday fell on the day of one of the after-school lessons. Pupil A was not the only pupil that received a cake.

Further in her undated written account, Pupil A stated that Mr Malton gave her L-plates for driving as a present for her birthday in 2015. Pupil A further stated in this written account that Mr Malton gave her some computer cleaning equipment.

The panel noted that the minutes of the School's investigatory meeting with Mr Malton on 8 February 2016 reflect Mr Malton stating that he gave two pupils, one of whom was Pupil A, a mug from Microsoft which was a "freebie".

The panel noted that Mr Malton admitted allegations 1.f.i. to 1.f.iv. in the statement of agreed and disputed facts. The panel considered Mr Malton's giving gifts to Pupil A was in the context of Mr Malton generally giving all the pupils in the school digital leader group birthday or Christmas presents.

The panel does not consider that the giving of such gifts was a failure to maintain professional boundaries in the circumstances. Therefore allegations 1.f.i. to 1.f.iv. are found not proven.

**h. Posted on social media platforms, including:**

**i. a post on Twitter that you were proud of all your coding girls of whom Pupil A was one;**

The panel had regard to a copy of a tweet, a message originally sent on Twitter, which Mr Malton copied by email to Pupil A's personal email address on 11 April 2015. In this message, Mr Malton stated that he was "Proud of my girls coding on their Sat morning, GCSE Controlled Assessment". The panel noted Mr Malton's admission to this allegation in the statement of agreed and disputed facts.

In the panel's view, Mr Malton expressed his pride for all of his pupils in this particular tweet which he posted on Twitter. This was not an example of Mr Malton singling Pupil A out and did not, in the panel's view, amount to a failure to maintain professional boundaries. Therefore, the panel found allegation 1.h.i not proven.

**ii. a post on Pupil A's Facebook page asking her to change her profile picture;**

The panel noted from Pupil A's witness statement that Mr Malton sent her a message about changing her Facebook profile picture but she does not indicate that this message was posted by Mr Malton to her Facebook page. The panel further noted from Mr Malton's written representations to the National College, included in the bundle, that Mr Malton stated that he did not seek to extend his communication with Pupil A by using social media.

Despite the statement of agreed and disputed facts indicating that Mr Malton admitted that he posted messages on the social media platforms outlined in the particulars of allegation 1.h. the panel does not accept this admission.

The panel was not satisfied that the evidence established on the balance of probabilities that Mr Malton sent Pupil A a post on her Facebook page. Although there is an email message in the bundle in which Mr Malton asked Pupil A to change her profile picture this does not satisfy the wording of allegation 1.h.ii. This allegation is therefore found not proven.

### **3. In acting as alleged and may be found proven at allegations 1.a-i, your conduct was sexually motivated.**

The legal advisor indicated to the panel that it is required to consider this allegation applying the balance of probabilities. The legal advisor advised the panel it may find it helpful to ask itself whether on the balance of probabilities reasonable persons would think the words/actions found proven could be sexual (“the objective test”). If so, the panel will then need to go on to ask itself a second question: whether, in all the circumstances of the conduct in the case, it is more likely than not that Mr Malton’s purpose of such words/actions was sexual (“the subjective test”).

The panel must consider whether, even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case.

In his closing remarks, the presenting officer submitted that it is the National College’s case that Mr Malton’s emails from his personal email address to Pupil A’s email address were unsolicited by Pupil A. This contact was entirely initiated by Mr Malton. The presenting officer submitted that the nature of such emails and messages was overly friendly and clearly transgressed the appropriate boundaries between that of pupil and teacher. Mr Malton’s explanation during the School’s disciplinary process that his communications with Pupil A was to do with pastoral concerns is, in the presenting officer’s submission, implausible. The presenting officer submitted that in the School’s disciplinary process that Mr Malton submitted that his motivation was to conceal the messages that he had sent to Pupil A. He said that emails sent to Pupil A were for the purpose of chasing up work from pupils, again the presenting officer submitted this was implausible as Mr Malton exercised, “general chit chat” with Pupil A.

The presenting officer further submitted that Mr Malton singled Pupil A out and gave her special attention. The email from Mr Malton’s personal email address to Pupil A’s personal email address on 15 April 2015 states “Have a good evening then xx”. The inclusion of kisses in an email, the presenting officer submitted, represents an inappropriate and unprofessional nature of communication with Pupil A. In her witness statement, Pupil A stated that the use of kisses in such messages, “creeped” her out. The presenting officer submitted that this conduct is outside the boundary of a normal pupil teacher relationship.

The taking of a photograph of Pupil A without her permission and sending this to her by email, as specified in allegation 1.b., is, in the presenting officer's submission, further evidence of Mr Malton singling Pupil A out.

In addition, the presenting officer submitted that the comment which is the subject of allegation 1.a.i in that Mr Malton stated that "Not a particularly crazy dark haired pretty one from Norfolk mentioned tho ;)" is a flirtatious comment about Pupil A's appearance and was evidence that Mr Malton was sexually attracted to her. It was further submitted by the presenting officer that Mr Malton's use of winks in emails to Pupil A demonstrate that Mr Malton was trying to provoke flirtatious contact from Pupil A.

The presenting officer submitted in his opening remarks that Mr Malton need not have experienced sexual gratification from his actions in order for allegation 3 to be proved. His actions must simply have been sexually motivated. An attraction to Pupil A is sufficient. Further, in his closing remarks, the presenting officer submitted that Mr Malton admits that he sought for Pupil A to conceal and/or keep hidden the nature of his contact with Pupil A which Mr Malton stated, in the School's investigation, related to his safeguarding obligations. The presenting officer submitted that if there was nothing inappropriate about these messages then there would have been no need for Mr Malton to ask Pupil A to delete such messages.

The presenting officer submitted that the case of *Arunkalaivanan v GMC* [2014] EWHC 873 (Admin) case indicates that sexual motivation is an inference to be drawn from primary facts as found by the panel and the surrounding circumstances in the case. It is submitted by the presenting officer that there is no other credible explanation other than sexual motivation for Mr Malton's behaviour towards Pupil A.

The panel noted from the statement of agreed and disputed facts that Mr Malton admits that objectively his actions towards Pupil A which are set out at allegations 1.a.-1.i. could be construed as sexually motivated. The panel agreed and therefore found the objective test was met.

The panel noted from Mr Malton's written representations to the National College that he had developed a caring affection for Pupil A which manifested itself in over-friendliness, frequently communicating with her and singling her out for attention. Mr Malton denies his actions were sexually motivated. Mr Malton further states in his written representations that he did not arrange to meet Pupil A outside of School, seek to contact her via social media or sought any physical contact and never had any intention of doing so. Mr Malton states further that he did not present any danger or risk to Pupil A beyond causing her some concern and she did not allege that his actions were sexually motivated. In addition, Mr Malton states, in his written representations, that some of his actions started as a misguided and expedient way of motivating a student, which amounted to a serious breach of trust but his actions were not sexually motivated.

Taking all of the available evidence into account, the panel did not find the subjective test was met on the balance of probabilities. The panel considered the evidence established that Mr Malton formed an attachment towards Pupil A but there was insufficient evidence

for the panel to draw an inference that subjectively his actions were sexually motivated. Accordingly, the panel finds allegation 3 not proven.

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

Having found a number 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 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 is satisfied that the conduct of Mr Malton in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Malton 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,...

The panel is satisfied that the conduct of Mr Malton fell significantly short of the standards expected of the profession because he disregarded a previous final written warning from the School by engaging in behaviour with Pupil A which was not dissimilar to earlier misconduct relating to his contact with a lower fifth pupil. The panel considered that Mr Malton exercised a frequent course of conduct towards Pupil A as set out in allegations 1.a.i, 1.a.iii. to 1.a.v, 1.a.vii. to 1.a.xi, 1.b. to 1.e, 1.g. and 1.i, which fell significantly short of the Teachers Standards’ referred to above, as he crossed the boundaries of appropriate pupil-teacher relationships.

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

The panel notes that many of the sub-particulars of allegation 1 took place outside of the education setting as a significant number of the emails Mr Malton sent from his personal email account to Pupil A’s personal email account were sent outside of school hours and during school holiday periods. This conduct may lead to pupils being exposed to or influenced by the behaviour in a harmful way, as pupils should not expect to receive

personal e-mail messages from a teacher in the late evening or during school holidays. This caused Pupil A to feel uncomfortable.

Accordingly, the panel is satisfied that Mr Malton 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 by Mr Malton, in the panel's view, would likely have a potentially negative impact on Mr Malton's status as a teacher. This potentially damages the public perception of the teaching profession.

The panel therefore finds that Mr Malton's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of sub-particulars 1.a.i, 1.a.iii to 1.a.v, 1.a.vii to 1.a.xi, 1.b. to 1.e, 1.g. and 1.i and allegation 2 proved, the panel further finds that Mr Malton's conduct amounts to both unacceptable professional conduct and 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 a 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: 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 serious findings of inappropriate contact and failing to maintain professional boundaries in his communications with Pupil A.

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

In view of the 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 Malton.

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 Malton, 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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

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. There was no evidence that Mr Malton's actions were anything other than deliberate or that he was acting under duress. The panel noted from Mr Malton's written representations that Mr Malton indicates that he had a heavy workload at the School and there was frequent conflict between his roles which led to exhaustion and poor judgment. Mr Malton also states that he needed to care for a seriously ill relative at the time.

The presenting officer confirmed that Mr Malton has not been subject to any previous disciplinary orders imposed by the Secretary of State, or any other relevant external body.

The panel noted there are no recent and up-to-date character statements supplied by Mr Malton as part of his evidence in these proceedings. There are historic references supplied by two members of a previous school at which Mr Malton taught but these are

dated April 2000. The panel considered these references could not provide an accurate view of Mr Malton's character or teaching history. The panel therefore placed no weight on these references.

The panel noted from his written representations that Mr Malton states that his achievements and contributions to the profession should be taken into account. He claims to have led two school expeditions of three weeks' duration. He also states that he received a chief examiner's commendation in 2006 for eleven of his GCSE students being in the top ten marks nationally and that 90% of students received an A or A\* grade.

As there was no evidence to the contrary, the panel considered that Mr Malton was a good classroom teacher. However, the panel found that Mr Malton did not have a good disciplinary record, as he had acted in contravention of a final written warning he had previously received in 2002 following inappropriate contact with another pupil.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Mr Malton of prohibition.

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 Malton. Mr Malton's abuse of trust towards Pupil A, which failed to protect her as a pupil and may have caused her harm, was a significant factor 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 decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice states 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 had found that none of these behaviours are relevant. The panel therefore went on to consider whether it was appropriate to recommend a review period in this case.

The panel considered that Mr Malton has shown some remorse over the inappropriate nature of his actions in his written submissions. He realises that he has, "done wrong"

and acted unprofessionally in that his actions led Pupil A to feel anxious. He states that he regrets what he did and he is very “sorry”. He never intended to carry anything out that would cause harm but he found himself in a situation, which he knew to be wrong, and from which he should have withdrawn. However, the panel was not convinced that Mr Malton had demonstrated significant insight into the inappropriateness of his conduct towards Pupil A. The panel considered that Mr Malton has repeated behaviour towards Pupil A that he also exercised in relation to a lower fifth form pupil.

The panel recognises that Mr Malton’s conduct is not so serious that would render it disproportionate to consider a review period in this case. There was no evidence of sexual motivation in this case and this was a significant factor in the panel’s decision in this regard.

As such, the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period of 7 years. The panel considered that this may be a sufficient period of time during which Mr Malton may develop a significant level of insight into the inappropriateness of his behaviour. The panel found he had a deep-seated attitude that caused him to act in a way towards Pupil A that was in contravention of a previous final warning relating to similar contact with a lower fifth pupil. The panel considers 7 years is a sufficient period of time over which Mr Malton may be able to demonstrate remediation such that similar conduct would not be repeated in the future.

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

I have given very careful consideration to this case and to the recommendation that has been made by the panel in respect of both sanction and the 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 some of the allegations proven and found that of those facts that are proven, they 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 Malton should be the subject of a prohibition order, with a review period of seven years.

In my consideration of the case I have taken great care to put from my mind those allegations that were not found proven by the panel.

In particular, the panel has found that Mr Malton 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,...

The panel is satisfied that the conduct of Mr Malton fell significantly short of the standards expected of the profession because he disregarded a previous final written warning from the School by engaging in behaviour with Pupil A which was not dissimilar to earlier misconduct relating to his contact with a lower fifth pupil. The panel considered that Mr Malton exercised a frequent course of conduct towards Pupil A as set out in allegations 1.a.i, 1.a.iii. to 1.a.v, 1.a.vii. to 1.a.xi, 1.b. to 1.e, 1.g. and 1.i, which fell significantly short of the Teachers Standards' referred to above, as he crossed the boundaries of appropriate pupil-teacher relationships.

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

The panel notes that many of the sub-particulars of allegation 1 took place outside of the education setting, as a significant number of the emails Mr Malton sent from his personal email account to Pupil A's personal email account were sent outside of school hours and during school holiday periods. This conduct may lead to pupils being exposed to or influenced by the behaviour in a harmful way, as pupils should not expect to receive personal e-mail messages from a teacher in the late evening or during school holidays. The panel commented that "This caused Pupil A to feel uncomfortable."

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 Malton, 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 "a strong public interest consideration in respect of the

protection of pupils given the serious findings of inappropriate contact and failing to maintain professional boundaries in his communications with Pupil A.”

A prohibition order would prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “Mr Malton has shown some remorse over the inappropriate nature of his actions in his written submissions. He realises that he has, “done wrong” and acted unprofessionally in that his actions led Pupil A to feel anxious. He states that he regrets what he did and he is very “sorry”. He never intended to carry anything out that would cause harm but he found himself in a situation, which he knew to be wrong, and from which he should have withdrawn..”

The panel has also commented; “the panel was not convinced that Mr Malton had demonstrated significant insight into the inappropriateness of his conduct towards Pupil A. The panel considered that Mr Malton has repeated behaviour towards Pupil A that he also exercised in relation to a lower fifth form pupil.”

In my judgement this lack of insight means that there is some considerable risk of the repetition of this behaviour and this risks future pupils being subject to this type of behaviour. 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, “ a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate contact and failing to maintain professional boundaries in his communications with Pupil A.”

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 Malton himself. I have noted the evidence that the panel considered in respect of Mr Malton’s professional contribution.

In this case I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said that it, “ found he had a deep-seated attitude that caused him to act in a way towards Pupil A that was in contravention of a previous final warning relating to similar contact with a lower fifth pupil.”

I have given less weight in my consideration of sanction, to the contribution that Mr Malton has made and is making to the profession. The panel observed, “Mr Malton was a good classroom teacher. However, the panel found that Mr Malton did not have a good disciplinary record, as he had acted in contravention of a final written warning he had previously received in 2002 following inappropriate contact with another pupil.”

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 sufficient remorse or 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 7 year review period.

I have considered the panel’s comments; “considered that this may be a sufficient period of time during which Mr Malton may develop a significant level of insight into the inappropriateness of his behaviour.”

I also noted that the panel “considers 7 years is a sufficient period of time over which Mr Malton may be able to demonstrate remediation such that similar conduct would not be repeated in the future.”

I have considered whether a 7 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. I have noted that in this case the panel did not find sexual misconduct. In this case, there are three 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 repetition, the lack of sufficient insight or remorse, and the deep seated attitude.

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

**This means that Mr Robin Malton 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 July 2024, 7 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 Robin Malton remains prohibited from teaching indefinitely.

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

Mr Robin Malton 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.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

**Decision maker: Alan Meyrick**

**Date: 10 May 2017**

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