



Teaching  
Regulation  
Agency

# **Mr Santiago Martinez: Professional conduct panel meeting outcome**

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

**August 2018**

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

**Teacher:** Mr Santiago Martinez

**Teacher ref number:** 1147985

**Teacher date of birth:** 23 February 1988

**TRA reference:** 14979

**Date of determination:** 31 August 2018

**Former employer:** Royds School, Leeds

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 31 August 2018 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Santiago Martinez.

The panel members were Ms Alison Walsh (teacher panellist – in the chair), Mr Anthony Bald (teacher panellist) and Ms Sathi Ariya (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP, solicitors.

In advance of the meeting, the TRA agreed to a request from Mr Martinez that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Martinez provided a signed statement of agreed facts and admitted all of the allegations. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Martinez or his representative.

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

### **B. Allegations**

The panel considered the allegations set out in the Notice of Meeting dated 20 August 2018, Mr Martinez having agreed to a shorter time period between the Notice and the date of the meeting.

It was alleged that Mr Martinez was guilty of a conviction, at any time, of a relevant criminal offence in that:

1. He was convicted on or around 16 March 2016 in Leeds District Magistrates Court of the offence of driving a motor vehicle with excess alcohol on 24 February 2016

contrary to Section 5(1)(a) of the Road Traffic Act 1988. He was disqualified from driving for an obligatory 17 months. He was ordered to pay costs to the sum of £85.00, a fine to the sum of £120.00, and a victim surcharge to the sum of £20.00.

2. He was convicted on or around 17 November 2017 in Leeds Crown Court of the following offence(s):
  - a. Possession of cocaine, which is a Class A controlled drug, with intent to supply on 6 December 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. He was sentenced to 3 years imprisonment and to pay a victim surcharge in the sum of £120.00. He was also made subject to a confiscation order under the Proceeds of Crime Act 2002 for the sum of £1,275.00 with imprisonment for up to 28 days to be served consecutively in default;
  - b. Possession of MDMA, which is a Class A controlled drug, with intent to supply on 6 December 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. He was sentenced to 3 years imprisonment to be served concurrently;
  - c. Possession of Ketamine, which is a Class B controlled drug, with intent to supply on 6 December 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. He was sentenced to 12 months imprisonment to be served concurrently;
  - d. Possession of a Class B controlled drug with intent to supply on 6 December 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. He was sentenced to 12 months imprisonment to be served concurrently;
  - e. Conspire to supply cocaine, which is a Class A controlled drug, from 17 August to 27 August 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. He was sentenced to 3 years imprisonment to be served concurrently.

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

3. He was convicted on 27 July 2016 in Leeds District Magistrate Court of committing theft on 6 December 2015, contrary to Section 1(1) and 7 of the Theft Act 1968. He was sentenced to a 12 month conditional discharge. He was ordered to pay costs to the sum of £85.00 and a victim surcharge to the sum of £15.00.

Mr Martinez admitted the facts of all of the allegations. In relation to allegations 1 and 2, Mr Martinez further accepted that the convictions were for relevant offences. In relation to allegation 3, Mr Martinez also accepted that his conduct was such as to amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **C. Summary of evidence**

### **Documents**

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

Section 1: Chronology – pages 2 to 3;

Section 2: Notice of Referral, Response and Notice of Meeting – pages 5 to 13;

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 15 to 23; and

Section 4: Teaching Regulation Agency documents – pages 25 to 81.

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

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Martinez on 19 July 2018.

## **D. Decision and reasons**

The panel announced its decision and reasons as follows:

In advance of the meeting, the TRA agreed to a request from Mr Martinez that the allegations be considered without a hearing.

The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not consider that such a direction is necessary or appropriate in this case.

The panel proceeded to carefully consider the case, having read all the documents within the bundle in advance of the meeting, and reached a decision.

Mr Martinez was previously employed as a languages teacher at Royds School in Leeds ("the School").

Mr Martinez commenced employment at the School on 1 September 2012.

In November 2015, Mr Martinez provided the School with notice of his resignation, to be effective from April 2016.

However, on 7 December 2015 the School was notified by West Yorkshire Police that Mr Martinez had been arrested. Mr Martinez was immediately suspended pending a disciplinary investigation.

A decision was made to prosecute Mr Martinez and he was subsequently convicted for a number of offences as particularised in allegations 1 to 3 in the Notice of Meeting.

On 26 January 2016, Mr Martinez was referred to the TRA by the School.

## **Findings of fact**

Our findings of fact are as follows:

- 1. You were convicted on or around 16 March 2016 in Leeds District Magistrates Court of the offence of driving a motor vehicle with excess alcohol on 24 February 2016 contrary to Section 5(1)(a) of the Road Traffic Act 1988. You were disqualified from driving for an obligatory 17 months. You were ordered to pay costs to the sum of £85.00, a fine to the sum of £120.00, and a victim surcharge to the sum of £20.00.**

Mr Martinez accepts that on 24 February 2016 he drove a motor vehicle on a domestic road after consuming so much alcohol that the proportion of it on his breath, namely 65 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit.

The panel was presented with a memorandum of conviction from the Leeds District Magistrates Court.

This confirmed that Mr Martinez was convicted on 16 March 2016 of the offence of driving a motor vehicle with excess alcohol on 24 February 2016 contrary to Section 5(1)(a) of the Road Traffic Act 1988. He was disqualified from driving for 17 months, ordered to pay costs to the sum of £85.00, a fine to the sum of £120.00 and a victim surcharge to the sum of £20.00.

The panel accepted the memorandum as conclusive proof of the commission of the offence of driving a motor vehicle with excess alcohol on 24 February 2016 by Mr Martinez.

Mr Martinez pleaded guilty to the offence and he admitted the facts of this allegation.

The panel accordingly found allegation 1 proven.

- 2. You were convicted on or around 17 November 2017 in Leeds Crown Court of the following offence(s):**
  - a. Possession of cocaine, which is a Class A controlled drug, with intent to supply on 6 December 2015, contrary to Section 5(3) of the Misuse of**

**Drugs Act 1971. You were sentenced to 3 years imprisonment and to pay a victim surcharge in the sum of £120.00. You were also made subject to a confiscation order under the Proceeds of Crime Act 2002 for the sum of £1,275.00 with imprisonment for up to 28 days to be served consecutively in default;**

- b. Possession of MDMA, which is a Class A controlled drug, with intent to supply on 6 December 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. You were sentenced to 3 years imprisonment to be served concurrently;**
- c. Possession of Ketamine, which is a Class B controlled drug, with intent to supply on 6 December 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. You were sentenced to 12 months imprisonment to be served concurrently;**
- d. Possession of a Class B controlled drug with intent to supply on 6 December 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. You were sentenced to 12 months imprisonment to be served concurrently;**
- e. Conspire to supply cocaine, which is a Class A controlled drug, from 17 August to 27 August 2015, contrary to Section 5(3) of the Misuse of Drugs Act 1971. You were sentenced to 3 years imprisonment to be served concurrently.**

In relation to each of allegations 2(a) to 2(d), Mr Martinez accepts that, on 6 December 2016, he was in possession of each of the controlled drugs identified and that, on 24 August 2016, he was convicted in Leeds Crown Court of offences of possession of those controlled drugs with intent to supply, contrary to Section 5(3) of the Misuse of Drugs Act 1971.

In relation to allegation 2(e), Mr Martinez accepts that he conspired to supply cocaine from 17 August to 27 August 2015 and that, on 24 August 2016, he was convicted in Leeds Crown Court of the offence of conspiracy to supply a controlled drug, namely cocaine, contrary to Section 5(3) of the Misuse of Drugs Act 1971.

The panel noted that the date set out in the wording of the allegation referred erroneously to the date of sentence, namely 17 November 2017, which it did not consider to be a material issue given Mr Martinez's clear admissions.

The panel was presented with a certificate of conviction from the Crown Court at Leeds.

This confirmed that Mr Martinez was convicted on 24 August 2016 of each of the offences set out in allegations 2(a) to (e). He was sentenced by the Court on 17 November 2017 as follows:

- a) In relation to allegation 2(a), he was sentenced to 3 years imprisonment and to pay a victim surcharge in the sum of £120.00. He was also made subject to a confiscation order under the Proceeds of Crime Act 2002 for the sum of £1,275.00 with imprisonment for up to 28 days to be served consecutively in default;
- b) In relation to allegation 2(b), he was sentenced to 3 years imprisonment to be served concurrently;
- c) In relation to allegation 2(c), he was sentenced to 12 months imprisonment to be served concurrently;
- d) In relation to allegation 2(d), he was sentenced to 12 months imprisonment to be served concurrently; and
- e) In relation to allegation 2(e), he was sentenced to 3 years imprisonment to be served concurrently.

The panel accepted the certificate of conviction as conclusive proof of the commission of these offences by Mr Martinez.

The panel accordingly found allegation 2 proven in its entirety.

- 3. You were convicted on 27 July 2016 in Leeds District Magistrate Court of committing theft on 6 December 2015, contrary to Section 1(1) and 7 of the Theft Act 1968. You were sentenced to a 12 month conditional discharge. You were ordered to pay costs to the sum of £85.00 and a victim surcharge to the sum of £15.00.**

Mr Martinez accepts that on 6 December 2015, he jointly stole toiletries to the value of £32.96, belonging to Boots the Chemist Limited.

Mr Martinez also accepts that, on 7 July 2016, he was convicted in Leeds District Magistrates Court of the offence of theft, contrary to Section 1(1) and 7 of the Theft Act 1968.

The panel was presented with a memorandum of conviction from Leeds District Magistrates Court.



This confirms Mr Martinez's conviction and that he was sentenced by the Court to a conditional discharge for 12 months and ordered to pay costs to the sum of £85.00 and a victim surcharge of £15.00.

The panel accepted the memorandum of conviction as conclusive proof of the commission of the offence and accordingly found allegation 3 proven.

### **Findings as to unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence**

Having found all of the allegations proven, the panel went on to consider, in relation to allegations 1 and 2, whether the convictions were for relevant criminal offences and, in relation to allegation 3, whether the facts of that proven allegation amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

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

In relation to whether the facts of allegation 3 amounted to unacceptable professional conduct, the panel was satisfied that the conduct of Mr Martinez fell significantly short of the standards expected of the profession.

The conviction in question was one of theft which is specifically listed on pages 8 and 9 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the conduct took place outside of the education setting. However, given the nature of the offence, which involved dishonesty, the panel concluded that it was plainly relevant to Mr Martinez's teaching role. He was a role model and the expectations upon him, in terms of standards of behaviour, were clear.

Accordingly, the panel was satisfied that Mr Martinez is guilty of unacceptable professional conduct, which he admitted.

In relation to whether Mr Martinez's conduct pursuant to allegation 3 may bring the profession into disrepute, the panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The general public, pupils, parents and colleagues expect teachers to adhere to the highest standards of behaviour and, against that backdrop, a conviction for theft is a very serious matter indeed.

The panel therefore found that Mr Martinez's actions constituted conduct that may bring the profession into disrepute, which he admitted.

Having found the facts of allegation 3 proved and having regard to Mr Martinez's admissions, the panel further found that Mr Martinez's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel next considered whether the convictions set out in allegations 1 and 2 were of relevant offences, which Mr Martinez has admitted.

The panel considered that Mr Martinez's actions were relevant to teaching, working with children and working in an education setting given the nature of the offences.

The panel also considered that Mr Martinez's actions had a potential impact on the safety or security of pupils and members of the public. Plainly, driving with excess alcohol, possession of and intent to supply Class A and Class B controlled drugs and conspiring to supply cocaine, all had the potential to cause serious harm.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Martinez's behaviour in committing the offences could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Martinez's behaviour ultimately led to him receiving a sentence of imprisonment which confirms the seriousness of the offences committed.

This is a case concerning offences which involve possession of class A drugs, supplying (albeit intent to supply) illegal substances of any classification and a serious driving

offence involving alcohol, which the Advice states are likely to be considered as relevant offences.

The panel was not aware of any mitigating circumstances in relation to the commission of the offences; nor does it have any evidence attesting to Mr Martinez's record as a qualified teacher. There is no evidence of Mr Martinez's personal circumstances, both now and at the relevant time. Mr Martinez has not produced any documentation for consideration by the panel.

The panel has found that the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach. The panel accordingly considered that a finding that these convictions are relevant offences, is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and convictions of relevant offences, it was 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 had 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 the following to be relevant in this case: the protection of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Martinez, which involved convictions of numerous offences resulting in a custodial sentence, there is a strong public interest consideration in respect of the protection of pupils and other members of the public. As the panel had already noted, Mr Martinez's actions had a potential impact on the safety or security of pupils and members of the public. Driving with excess alcohol, possession of and intent to supply Class A and Class B controlled drugs and conspiring to supply cocaine, all had the potential to cause serious harm.

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

In addition, the panel considered that there is a strong public interest consideration in declaring proper standards of conduct in the profession as the conduct found against Mr Martinez was outside that which could reasonably be tolerated, having regard to the nature of the offences and the repetition of criminal conduct.

Notwithstanding the clear public interest considerations that were present, the panel carefully considered whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Martinez.

In carrying out the balancing exercise, the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Martinez.

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;
- dishonesty especially where there have been serious consequences; and
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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 any 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.

Unfortunately, the panel had not been provided with any evidence from Mr Martinez in mitigation. In particular, there were no character references or testimonials. Nevertheless, the panel took into account the fact that, prior to qualification as a teacher, Mr Martinez received a positive academic reference. He had also made early admissions and had cooperated, at least to some extent, with the TRA. It was also apparent that Mr Martinez had pleaded guilty to at least some of the offences.

The panel also considered there were a number of aggravating features present in this case, including:

- Mr Martinez's actions were apparently deliberate. There was no evidence to suggest that he was acting under duress.
- Mr Martinez had been convicted of a number of serious offences and had received a lengthy custodial sentence.
- The panel was concerned by the number and range of offences which had occurred in the period from August 2015 through to February 2016.
- Mr Martinez was convicted of 5 separate offences concerning the possession and supply of Class A and Class B drugs. There was evidence within the papers that when the police conducted a search of Mr Martinez's property, "*a large quantity of white powder and tablets were recovered along with drug paraphernalia and £910.*" Moreover, there was an indication that Mr Martinez was given a drug test whilst in custody which tested positive for cocaine.
- Mr Martinez would have known of the standards of behaviour expected of him as a qualified teacher by virtue of his teacher training and, in all likelihood, his NQT induction.

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 was 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 Martinez of prohibition.

The panel therefore decided that prohibition is both proportionate and appropriate. It concluded that the public interest considerations outweigh the interests of Mr Martinez. The nature, range and gravity of the offences committed by Mr Martinez is such that his conduct was at the very serious end of the spectrum. He had received a significant custodial sentence. Mr Martinez had also admitted all of the allegations.

Accordingly, the panel recommends 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 were mindful of the advice 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 noted that the Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include theft from a person or other serious cases of theft and Class A drug abuse or supply. In light of the nature of the offences, these behaviours were clearly present in this case.

The panel has also found that Mr Martinez's conduct is at the most serious end of the spectrum. Further, there was no evidence of any remorse, regret or insight. Mr Martinez had provided no evidence in mitigation. In those circumstances, the panel could not be satisfied that there was no risk of repetition.

The panel concluded that the public interest considerations present in this case, as set out above, pointed heavily in favour of there being no review period. On balance, the panel accordingly considered the findings indicated a situation in which a review period would not be appropriate. The panel took particular account of the aggravating factors identified above. It therefore decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

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

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and no review period.

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

In this case, the panel has found the allegations proven and found that those proven facts amount to conviction of a relevant offence and in relation to allegation 3 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 Martinez should be the subject of a prohibition order, with no review period.

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

In relation to allegation 3, the panel was satisfied that the conduct of Mr Martinez fell significantly short of the standards expected of the profession.

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 Mr Martinez, 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 "Mr Martinez's actions had a potential impact on the safety or security of pupils and members of the public. Driving with excess alcohol, possession of and intent to supply Class A and Class B controlled drugs and conspiring to supply cocaine, all had the potential to cause serious harm." I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "there was no evidence of any remorse, regret or insight." In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this places the future safety and security of pupils and members of the public at risk. 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 "public confidence in the profession could be seriously weakened if conduct such as that found against Mr Martinez were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the serious nature of the relevant convictions 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 Mr Martinez himself. The panel comment that “no character references or testimonials” had been provided. Nevertheless, the panel took into account the fact that, prior to qualification as a teacher, Mr Martinez received a positive academic reference. The panel also noted Mr Martinez, “had also made early admissions and had cooperated, at least to some extent, with the TRA. It was also apparent that Mr Martinez had pleaded guilty to at least some of the offences.”

A prohibition order would prevent Mr Martinez from teaching. A prohibition order would also clearly deprive the public of his 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 insight or remorse. The panel has said “Further, there was no evidence of any remorse, regret or insight. Mr Martinez had provided no evidence in mitigation. In those circumstances, the panel could not be satisfied that there was no risk of repetition.”

I have also placed considerable weight on the finding of the panel that “The nature, range and gravity of the offences committed by Mr Martinez is such that his conduct was at the very serious end of the spectrum.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Martinez has made 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 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 no review period.

I have considered the panel’s comments, “The panel concluded that the public interest considerations present in this case, as set out above, pointed heavily in favour of there being no review period. Furthermore the panel considered “the findings indicated a situation in which a review period would not be appropriate. The panel took particular account of the aggravating factors identified above. It therefore decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.”

I have considered whether a no review period reflects the seriousness of the findings and is proportionate to achieving the aim of maintaining public confidence in the profession. I am in agreement with the panel that given the serious nature of the behaviour in this



case, along with very limited insight, remorse and mitigation no review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Santiago Martinez is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Martinez shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Santiago Martinez 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 'Dawn Dandy', written in a cursive style.

**Decision maker: Dawn Dandy**

**Date: 5 September 2018**

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