



Teaching
Regulation
Agency

Mr Steven Balaam: Professional conduct panel meeting outcome

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

October 2019

Contents

A. Introduction	3
B. Allegations	4
C. Summary of evidence	4
Documents	4
Statement of agreed facts	5
D. Decision and reasons	5
Findings of fact	6
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	8
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	12

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

Teacher: Mr Steven Balaam

Teacher ref number: 0048284

Teacher date of birth: 22 August 1976

TRA reference: 17130

Date of determination: 23 October 2019

Former employer: Robert Barclay Academy, Hoddesdon

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 October 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Steven Balaam.

The panel members were Mr Tony James (former teacher panellist), Dr Robert Cawley (teacher panellist – in the chair) and Ms Claire McManus (lay panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Steven Balaam that the allegations be considered without a hearing. Mr Balaam provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Balaam 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 Hearing dated 12 August 2019.

It was alleged that Mr Steven Balaam was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a science teacher at Robert Barclay Academy he:

1. failed to maintain appropriate boundaries and/or engaged in an inappropriate relationship with one of more pupils in that in or around December 2016 he:
 - a. accompanied Pupil C home late at night;
 - b. bought Pupil A and/or Pupil C a present for Christmas;
 - c. befriended Pupil A and/or Pupil C on Facebook;
 - d. exchanged one or more messages with Pupil A, including messages of an inappropriate nature;
 - e. invited Pupil A and/or Pupil B to meet him outside of school hours on one or more occasions.
2. demonstrated a lack of integrity by:
 - a. failing to report at the earliest opportunity the extent of his inappropriate contact with Pupil A and/or Pupil B and/or Pupil C to the Academy;
 - b. deleting the messages he had exchanged with Pupil A on Facebook.
3. on or around the 21st December 2016 engaged in inappropriate and/or unprofessional behaviour by attending school premises whilst under the influence of alcohol and/or by consuming alcohol on the school premises.

In a Statement of Agreed Facts, signed by Mr Balaam on 23 June 2019, he unequivocally accepted all of the facts of the TRA's case and also admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Summary of evidence

Documents

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

Section 1: Notice of Proceedings and Response – pages 2 to 5

Section 2: Statement of Agreed Facts and Presenting Officer Representation – pages 8 to 15

Section 3: Teaching Regulation Agency documents – pages 17 to 182

Section 4: Teacher's Response – pages 184 to 195.

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 Steven Balaam on 23 June 2019.

D. Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

The panel confirmed that it had read all of the documents provided in the bundle in advance of the meeting.

In advance of the meeting, the TRA agreed to a request from Mr Balaam for the allegations to be considered without a hearing. The panel had 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 determine that such a direction was necessary or appropriate in this case.

Mr Balaam had been employed at the Robert Barclay Academy ('the Academy') since March 2016 as a Science Teacher. At the end of the 2016 Autumn Term, concerns were raised regarding Mr Balaam's contact with Pupils A, B and C. This contact was both face-to-face and also by social media, including Facebook.

Other teachers at the Academy reported that on 21st December 2016, Mr Balaam had attended when under the influence of alcohol.

Because of the concerns, the Academy's head teacher telephoned Mr Balaam on 23 December 2016. During the call, Mr Balaam denied acting inappropriately with any pupil. However, a few days later, on 31 December 2016, Mr Balaam emailed the head teacher to confirm that he had had contact with Pupils A, B and C and had deleted Facebook

messages that had been exchanged. Mr Balaam accepted, at all times, that on one occasion he had attended the Academy whilst under the influence of alcohol.

Mr Balaam was suspended from his role at the Academy on 12 January 2017 and was dismissed on 21 September 2017.

Findings of fact

The findings of fact were as follows:

It was alleged that you were guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed as a science teacher at Robert Barclay Academy, you:

1. failed to maintain appropriate boundaries and/or engaged in an inappropriate relationship with one of more pupils in that, in or around December 2016 you:

- a. accompanied Pupil C home late at night;**
- b. bought Pupil A and/or Pupil C a present for Christmas;**
- c. befriended Pupil A and/or Pupil C on Facebook;**
- d. exchanged one or more messages with Pupil A, including messages of an inappropriate nature;**
- e. invited Pupil A and/or Pupil B to meet you outside of school hours on one or more occasions.**

The panel noted the Statement of Agreed Facts dated 23 June 2019, in which Mr Balaam admitted the facts of the particulars of allegation 1. In the light of the unequivocal nature of these admissions, the panel was content that, on balance, the facts for allegations 1a to e proved.

With regard to allegation 1b, whilst the panel did not consider that the giving of gifts by a teacher to a pupil was inherently inappropriate were it to be on a mass basis, the giving of gifts to two pupils suggested a clear favouritism to these pupils. Such favouritism did lead to appropriate boundaries being crossed, and therefore an inappropriate relationship being developed.

In respect of allegations 1c and 1d, there must be clear and unambiguous boundaries within a professional teacher/pupil relationship. A teacher becoming 'friends' with a pupil on Facebook crosses this boundary and leads to there being a relationship between the two that is independent of the academic relationship.

The boundaries are further crossed when the teacher sends messages, of any sort, to the pupil thereby exacerbating the failure. In this matter, Mr Balaam sent messages to Pupil A asking her *'what u doing just call me when no one is about x'* and *'that's ny [sic] gift to you foever [sic] coz I think the world of you xx'*.

With regard to allegation 1e, a teacher arranging to meet pupils away from the Academy late in the evening is clearly inappropriate and crossed the professional boundary into the teacher/pupil relationship becoming inappropriate.

For the reasons given above, the panel therefore find all parts of allegation 1b to 1e proved.

With respect to allegation 1a, whilst the panel did find the factual particulars proved, it also had consideration to the explanation put forward by Mr Balaam as to how the incident occurred, namely that he had randomly bumped into Pupil C one night and walked her home for her own safety.

Whilst the panel appreciated that, within the bundle, there was reference to comments supposedly made by Mr Balaam to Pupil C and the events of their meeting that differed the teacher's account, these were references involving multiple hearsay. In such circumstances, the panel preferred the more direct evidence of Mr Balaam as to the circumstances of him meeting Pupil C and did not consider his actions, on this point, to be inappropriate.

On the basis of the stem of allegation 1, the panel did not find allegation 1a proved.

2. demonstrated a lack of integrity by:

a. failing to report at the earliest opportunity the extent of your inappropriate contact with Pupil A and/or Pupil B and/or Pupil C to the Academy;

b. deleting the messages you had exchanged with Pupil A on Facebook.

The panel noted the Statement of Agreed Facts dated 23 June 2019, in which Mr Balaam admitted the facts of the particulars of allegation 2 and that his actions were undertaken to conceal the true position of his contact with the relevant pupils. Having not found allegation 1a proved, that conduct did not form part of the panel's consideration for allegation 2.

The panel accepted that the conduct complained of for allegation 2a arose from Mr Balaam's answers given during a telephone call with the head teacher of the Academy on 23 December 2016. To his credit, Mr Balaam attempted to rectify any misunderstanding created by him, within an email to the head teacher on 31 December 2016.

The panel did, however, consider that a teacher must volunteer information in such a situation to ensure that a head teacher is fully apprised of relevant facts as soon as possible.

A teacher not providing relevant information, such as Mr Balaam's contact with Pupils A, B and C when being questioned on matters concerning those pupils, is clearly relevant and Mr Balaam had the opportunity to do so on 23 December 2016. Failing to do so demonstrated a lack of integrity.

Similarly, the deletion of Facebook messages that could prove that there had been contact between Mr Balaam and pupils, thereby attempting to conceal the true position of the relationship, clearly also indicates a lack of integrity.

The panel therefore finds this allegation proved for both particulars.

3. on or around the 21st December 2016 engaged in inappropriate and/or unprofessional behaviour by attending school premises whilst under the influence of alcohol and/or by consuming alcohol on the school premises.

The panel noted the Statement of Agreed Facts dated 23 June 2019, in which Mr Balaam admitted the facts of the particulars of allegation 3. This was corroborated by Mr Balaam's email to the head teacher dated 31 December 2016 and the accounts given by colleagues as reported during the Investigation Process.

The panel therefore found this allegation proved.

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

Having found a number of the allegations proven, the panel went on to consider whether the facts of those proven allegations 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 Balaam in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Mr Balaam was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks, which set out their professional duties and responsibilities.

The panel also considered whether Mr Balaam's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice and the panel found that none of these offences were relevant.

The panel was satisfied that the conduct of Mr Balaam fell significantly short of the standards expected of the profession. Whilst some of the conduct did take place away from the Academy, all of the conduct in question arose as a result of Mr Balaam's position of being a teacher. Such conduct was, therefore, inherently linked to his professional behaviour.

All of the particulars found proved demonstrated Mr Balaam having crossed professional boundaries with pupils to such an extent that the relationships had become inappropriate and this can only be viewed in the most serious terms.

Similarly, acting without integrity and attending at the Academy under the influence of alcohol are behaviours that can only be considered as inappropriate and considered to be of a serious nature.

Accordingly, the panel was satisfied that Mr Balaam's behaviour amounted to unacceptable professional conduct.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave. The panel also, therefore, determined Mr Balaam's actions constituted 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 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 would be an appropriate and proportionate measure, and whether it would be 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the protection of pupils and other members of the public
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Balaam, which involved him crossing the clear, unambiguous boundaries that should be present between a teacher and pupil, leading to his relationships with three pupils to be inappropriate, there was a strong public interest consideration in the protection of pupils.

Similarly, the public must be able to assume that all teachers will give a full and clear account of a situation to ensure that any concerns are dealt with appropriately. The panel therefore considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Balaam was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Balaam, in terms of his attendance at the Academy whilst under the influence of alcohol and then drinking alcohol at the Academy, was outside that which could reasonably be tolerated.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Balaam. 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 proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

Even though some of the behaviour found proven in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be not appropriate or proportionate.

In light of the panel's findings, Mr Balaam's actions could only be considered as deliberate and there was no suggestion that he was acting under duress. The panel did note that he had a previously good history and that there was some indication of his qualities as a teacher.

By way of example, the panel noted that the Academy's head teacher, Individual A, within his statement to police described Mr Balaam as "*...very reflective, a thinker. He was a good teacher...*".

The panel also noted a reference from Individual B dated June 2018, a colleague and line manager of Mr Balaam from a previous school, which stated that Mr Balaam had been rated as 'good' following observations and also supported new colleagues by mentoring them.

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 would be sufficient.

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Balaam. Ensuring the protection of pupils was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether it would be appropriate 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 the recommendation of a review period and the panel has found none of these to be present.

The panel noted that Mr Balaam had admitted some of his misconduct from the earliest opportunity on 23 December 2016 and the remainder soon afterwards. He had expressed remorse from an early stage of the proceedings and the panel accepted that there appeared to be no underlying malice in his actions. Mr Balaam's actions were crass misjudgements rather than anything nefarious.

Mr Balaam had explained, both to the Academy when he joined, and in his written representations to the panel, that he had suffered with [Redacted]

Mr Balaam had stated that he now thought that his health issues were under control and the panel appreciated the reference from a subsequent employer that confirmed Mr Balaam's '*excellent attendance record*' and that he was '*an excellent employee.*' The panel did, however, also note that this reference was dated 15 June 2018.

It appeared to the panel that Mr Balaam was making progress in his well-being compared to the position in which he found himself in December 2016. Therefore, the panel decided that the findings indicated a situation in which a review period would be appropriate. As such, it decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after two years. Were Mr Balaam to then apply for the prohibition order to be set-aside, a future panel may be assisted by:

- an up-to-date employer's reference;
- [Redacted]
- independent medical evidence regarding Mr Balaam's [Redacted];
- evidence of ongoing and up-to-date knowledge of safeguarding within schools.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found one of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Balaam should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Balaam is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks, which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include a finding of lack of integrity.

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 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 Balaam, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that the, "particulars found proved demonstrated Mr

Balaam having crossed professional boundaries with pupils to such an extent that the relationships had become inappropriate and this can only be viewed in the most serious terms.”

A prohibition order would therefore 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, “He had expressed remorse from an early stage of the proceedings and the panel accepted that there appeared to be no underlying malice in his actions. Mr Balaam's actions were crass misjudgements rather than anything nefarious.”

I have therefore given this element considerable weight in reaching my decision concerning a review period.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it, “also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way they behave. The panel also, therefore, determined Mr Balaam's actions constituted conduct that may bring the profession into disrepute.” I am particularly mindful of the finding of lack of integrity 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 the public might regard a failure to impose a prohibition order 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 Balaam himself. The panel comment, “that he had a previously good history and that there was some indication of his qualities as a teacher.”

A prohibition order would prevent Mr Balaam from teaching and 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, “The panel decided that the public interest considerations outweighed the interests of Mr Balaam. Ensuring the protection of pupils was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Balaam 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.

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

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

I have considered whether a 2-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

I consider therefore that a 2-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Steven Balaam 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 5 November 2021, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Steven Balaam remains prohibited from teaching indefinitely.

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

Mr Steven Balaam has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Alan Meyrick

Date: 30 October 2019

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