



Teaching
Regulation
Agency

Mr Adam King: Professional conduct panel meeting outcome

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

January 2022

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

Teacher:	Mr Adam King
Teacher ref number:	0359018
Teacher date of birth:	24 February 1981
TRA reference:	16875
Date of determination:	27 January 2022
Former employer:	Oakley Church of England Combined School, Aylesbury

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 January 2022 by way of a virtual meeting, to consider the case of Mr Adam King.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Ms Caroline Downes (lay panellist) and Mr Alf Bean (lay panellist).

The legal adviser to the panel was Mrs Rebecca Utton of Birketts LLP solicitors.

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 King that the allegation be considered without a hearing. Mr King provided a signed statement of agreed facts and admitted a conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Michael O’Donohoe of Browne Jacobson LLP, Mr King or any representative for Mr King.

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

Allegations

The panel considered the allegation set out in the notice of meeting dated 22 October 2021.

It was alleged that Mr King was guilty of having been convicted of a relevant offence, in that he was convicted of the following:

1. Offence: Sexual Assault of Male Child Under 13 on 29/10/17. Sexual Offences Act 2003 s.7

Mr King admitted the facts of allegation 1 and that his behaviour amounted to a conviction of a relevant offence, as set out in the undated response to the notice of referral, and in the statement of agreed facts signed by Mr King on 2 June 2021.

Preliminary applications

There were no preliminary applications.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Notice of referral, response and notice of meeting – pages 2 to 11
- Section 2: Statement of agreed facts and presenting officer representations – pages 13 to 18
- Section 3: Teaching Regulation Agency documents – pages 20 to 48
- Section 5: Teacher documents – page 50

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr King on 2 June 2021 and by the presenting officer on 12 July 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr King for the allegation 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 King was employed as a teacher at Oakley Church of England Combined School ('the School').

Mr King volunteered with the charitable organisation Diabetes UK ('the Charity') which offers support to individuals and families affected by diabetes. Part of the support offered by the charity is residential trips for young people who suffer from diabetes.

On the weekend of 27 to 29 October 2017, Mr King volunteered at a residential weekend being run by the charity at the Kingswood Adventure Centre ('the Centre') in Coisborough, South Yorkshire.

Child A was an 8 year old boy with Type 1 diabetes. On 27 October 2017 he was delivered to the centre by his family. During a handover procedure, Mr King was told that Child A was a heavy sleeper.

During the night of 28 October 2017, Mr King entered the room where Child A and a number of other children were sleeping. Believing Child A to be asleep, Mr King pulled down Child A's pyjama bottoms and performed oral sex on Child A.

On 22 November 2017 Mr King was arrested by Thames Valley Police acting on behalf of South Yorkshire Police and released under investigation of assault on a boy under 13 by touching contrary to the Sexual Offences Act 2003.

On 13 February 2018, the National College for Teaching and Leadership (a predecessor to the TRA) wrote to Mr King to inform him that it intended to consider making an interim prohibition order, which prevented Mr King from teaching until his case was concluded.

On 23 December 2019, Mr King was convicted of the offence outlined in the allegations at Sheffield Crown Court and was sentenced to 4 years imprisonment. Mr King was also placed on the sex offenders register for an indefinite period and made the subject of a Sexual Harm Prevention Order until further order.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation against you proved, for these reasons:

1. Offence: Sexual Assault of Male Child Under 13 on 29/10/17. Sexual Offences Act 2003 s.7

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers (“the Advice”) which states that where there has been a conviction at any time of a criminal offence, the hearing will not re-examine the facts of the case and the panel will accept the conviction as conclusive proof that establishes the relevant fact.

The panel had been provided with a copy of the certificate of conviction from The Crown Court at Sheffield. This detailed that Mr King had been convicted of sexual assault on a boy under 13 by touching and was sentenced to 4 years imprisonment; placed on the Sex Offenders Register for an indefinite period; made subject to a Sexual Harm Prevention Order until further order and ordered to pay a victim surcharge of £170.

In addition, the panel noted that within the statement of agreed facts, signed by Mr King on 2 June 2021, Mr King admitted the facts of allegation 1.

On examination of the documents before them, the panel was satisfied that the facts of allegation 1 were proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to conviction of a relevant offence.

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 King, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that with reference to Part 2, Mr King 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 provision
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the offence had taken place outside of the school setting and had not involved pupils from the school where Mr King worked or other members of staff. However, the panel concluded that Mr King's actions were relevant to teaching, working with children and/or working in an education setting in that Mr King had sexually assaulted a child under the age of 13. The panel further noted that the offence involved a child in his care. Additionally, Mr King was responsible for teaching pupils of that (or a similar) age and the bundle specifically referenced that he had received safeguarding training.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils, in particular the other children present in the room at the time of the offence, and those attending the residential weekend.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr King's behaviour in committing the offence could affect 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 King's behaviour ultimately led to a sentence of imprisonment of significant length, which was indicative of the seriousness of the offence committed.

The panel noted pages 10 and 11 of the Advice, which state that any activity involving sexual activity is likely to be considered a relevant offence.

The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr King's ongoing suitability to teach. The panel considered that this conviction was a relevant offence and it was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

In summary, the panel found the allegations proven and that Mr King had been convicted of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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, 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 the light of the panel's findings against Mr King, which involved sexual assault on a boy under the age of 13 by touching, there was a strong public interest consideration in respect of the protection of pupils given the serious finding of sexual activity with a child.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr King were 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 King 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 King.

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 King. 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;

- 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;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- 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 some of the behaviour found proved 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 appropriate or proportionate.

The panel considered that Mr King's actions had been calculated and deliberate. The panel noted the particular vulnerability of the child involved and further determined that Mr King's offending behaviour involved a significant degree of planning and was manipulative.

Mr King was not acting under duress at the time he committed the relevant offence.

The panel noted that limited evidence was submitted to attest to Mr King's previous history as a teacher.

The panel considered, in mitigation, an undated letter from Mr King to the TRA, [REDACTED].

The panel noted that, whilst serving his prison sentence, Mr King stated that he undertook a [REDACTED], which he found beneficial. Unfortunately there was not any independent documentation before the panel confirming the work that Mr King had undertaken as part of this course and/or any progress made.

Whilst the panel noted that Mr King expressed feelings of guilt and shame, the panel concluded that he had not shown any insight or remorse. In particular the panel identified that Mr King made no specific reference to the victim or his family nor had he shown any empathy towards them.

The panel did not consider that the contents of the undated letter to the TRA from Mr King in anyway mitigated the seriousness of his conduct or the offence.

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, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr King 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 King. The fact that Mr King had been convicted of a sexual offence which was at the most serious end of the spectrum 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 or not 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. Mr King had been convicted of sexual assault on a boy under the age of 13 by touching. The panel was in no doubt that Mr King's misconduct was of the most serious kind and had been serious sexual misconduct.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions 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 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 the allegation proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Adam King should be the subject of a prohibition order, with no provision for a review period.

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

The panel finds that the conduct of Mr King fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding which involved a sexual assault on a vulnerable boy under the age of 13.

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 King, 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, “In the light of the panel’s findings against Mr King, which involved sexual assault on a boy under the age of 13 by touching, there was a strong public interest consideration in respect of the protection of pupils given the serious finding of sexual activity with a child.” 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, “Whilst the panel noted that Mr King expressed feelings of guilt and shame, the panel concluded that he had not shown any insight or remorse. In particular the panel identified that Mr King made no specific reference to the victim or his family nor had he shown any empathy towards them.” In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk future pupils’ wellbeing. 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, “The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr King’s behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.” I am particularly mindful of the finding of sexual assault involving an 8 year old child in the care of Mr King 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 King himself and “The panel noted that limited evidence was submitted to attest to Mr King’s previous history as a teacher.” A prohibition order would prevent Mr King 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 seriousness of misconduct found proven. The panel has said “the seriousness of the

offending behaviour that led to the conviction was relevant to Mr King's ongoing suitability to teach. The panel considered that this conviction was a relevant offence and it was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession."

I have also placed considerable weight on the finding of the panel that "Mr King's actions had been calculated and deliberate. The panel noted the particular vulnerability of the child involved and further determined that Mr King's offending behaviour involved a significant degree of planning and was manipulative."

This behaviour led to a sentence of imprisonment of a significant length, which was indicative of the seriousness of the offence committed.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr King 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, in light of the circumstances in this case, 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 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 that no provision should be made for a review period.

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. Mr King had been convicted of sexual assault on a boy under the age of 13 by touching. The panel was in no doubt that Mr King's misconduct was of the most serious kind and had been serious sexual misconduct."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate to achieve the aim of maintaining public confidence in the profession. In this case, a number of factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the allegation found proven, the lack of either insight or remorse, and the risk to pupils.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Adam King 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 King 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 King 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 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 31 January 2022

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