



Teaching
Regulation
Agency

Mr Nicholas Maunders: Professional conduct panel meeting outcome

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

April 2022

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

Teacher:	Mr Nicholas Maunders
Teacher ref number:	1674685
Teacher date of birth:	22 May 1993
TRA reference:	18217
Date of determination:	7 April 2022
Former employer:	Frogmore Community College, Yateley, Hampshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7 April 2022, by virtual means, to consider the case of Mr Nicholas Maunders.

The panel members were Mr Jeremy Phillips QC (lay panellist – in the chair), Ms Alison Feist (former teacher panellist) and Mr Steve Woodhouse (teacher panellist).

The legal adviser to the panel was Graham Miles of Blake Morgan 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 Maunders that the allegations be considered without a hearing. Mr Maunders provided a signed statement of agreed facts and admitted his conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Maunders or his representative.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 16 March 2022.

It was alleged that Mr Nicholas Maunders had been convicted of a relevant offence, specifically:

1. On 8 January 2021, he was convicted at Salisbury Crown Court of:
 - a. three counts of sexual activity with a child contrary to section 9 of the Sexual Offences Act 2003;
 - b. two counts of causing a child to engage in sexual activity contrary to section 10 of the Sexual Offences Act 2003.

Mr Maunders admitted that he had been convicted of these offences and he had signed a statement of agreed facts to that effect. Mr Maunders further admitted that the convictions were for relevant offences.

Summary of evidence

Documents

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

Section 1: Notice of referral and teacher's response – pages 2 to 9

Section 2: Notice of Meeting – pages 10A to 10B

Section 3: Teaching Regulation Agency documents – pages 17 to 234

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Nicholas Maunders on 18 November 2021.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Nicholas Maunders 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 Nicholas Maunders was employed as a Teacher of Mathematics at Frogmore Community College ('the School') between September 2017 and his resignation on 30 November 2019.

On 4 March 2019, Pupil A, who was [REDACTED] at the time, made a disclosure to the School that [REDACTED] had been exchanging messages with a member of staff. The School interviewed Pupil A and two of [REDACTED] friends who were aware of the alleged communication. Subsequently, the School contacted the Local Authority Designated Officer (LADO) and Hampshire Constabulary.

On 5 March 2019, Mr Maunders was arrested in connection with the disclosure which had been made. The School suspended him whilst the School and the police carried out their investigations.

On 13 November 2019, the School completed its investigation and decided that the matter should proceed via the disciplinary process.

On 30 November 2019, Mr Maunders submitted his resignation, which was accepted by the School.

On 8 January 2021, Mr Maunders was convicted at Salisbury Crown Court of five offences under the Sexual Offences Act 2003.

Findings of fact

The findings of fact are as follows:

It was alleged that you have been convicted of a relevant offence, specifically:

1. On 8 January 2021, you were convicted at Salisbury Crown Court of:

a. three counts of sexual activity with a child contrary to section 9 of the Sexual offences Act 2003.

b. two counts of causing a child to engage in sexual activity contrary to section 10 of the Sexual Offences Act 2003

Mr Maunders admitted that he was convicted of these offences on 8 January 2021 and confirmed this in a statement of agreed facts which was signed by him on 18 November 2021.

The panel noted that a letter from the TRA dated 24 May 2021 made reference to the convictions having occurred at *Winchester* Crown Court. However, given Mr Maunders' indication in the statement of agreed facts dated 18 November 2021 that he had been convicted of five counts of sexual activity with a child under the Sexual Offences Act 2003 at the Crown Court sitting in Salisbury, the panel was satisfied that he had been convicted of such offences in an appropriate Crown Court.

The panel noted that in his written response to the Notice of Referral dated 31 August 2021, Mr Maunders had said:

"I admit that I have been found guilty by the court but I am still maintaining my innocence of all of the charges."

However, although the panel had not been provided with a copy of the certificate of conviction, the panel was satisfied nonetheless that Mr Maunders was convicted of the offences, based upon his admission in the statement of agreed facts. In relation to his declaration of innocence the panel considered that it could not go behind the conviction in the Crown Court.

Accordingly, the panel found allegations 1a and b proved.

Findings as to conviction of a relevant offence

In the statement of agreed facts, Mr Maunders accepted that the offences for which he was convicted were relevant offences. The panel took this admission into account, but made its own determination.

The panel was satisfied that the conduct of Mr Maunders in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Maunders 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...
- 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 Mr Maunders' actions were relevant to teaching, working with children and working in an education setting given that the offences involved sexual activity with one of his pupils who was a child.

The panel noted that the behaviour involved in committing the offence would have had an impact on the safety of a pupil.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Maunders' behaviour in committing the offence would 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 the behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.

This was a case involving offences of sexual activity with a child, which the Advice states is likely to be considered a relevant offence.

The panel also found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Maunders' ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was 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 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 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 Maunders, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of an inappropriate sexual relationship with a child.

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

The panel was not satisfied that there was a strong public interest consideration in retaining the teacher in the profession. Mr Maunders had not presented any references or testimonials to the panel and had stated in his written response, *'I do not ever want to teach again, so I am quite happy to be banned ...'*

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 Maunders.

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 Maunders. 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;
- 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 any potential mitigating factors.

As far as the panel was aware, Mr Maunders did have a previously good history as a teacher.

However, there was no evidence that Mr Maunders' actions were not deliberate, nor any to suggest that Mr Maunders was acting under duress.

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 Maunders 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 Maunders. The severity of the offences 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. These behaviours include 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.

Whilst accepting that he was convicted of the offences, Mr Maunders has continued to deny his guilt. Accordingly, he has not shown any insight into his actions or expressed remorse.

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 all of the allegations 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 Maunders should be the subject of a prohibition order, with no provision for a review period.

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

The panel also, "noted that Mr Maunders' actions were relevant to teaching, working with children and working in an education setting given that the offences involved sexual activity with one of his pupils who was a child."

The findings of misconduct are particularly serious as they include a finding of sexual misconduct with a child.

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 a relevant conviction, 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 Maunders, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "The panel noted that the behaviour involved in committing the offence would have had an impact on the safety of a pupil." 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, "Accordingly, he has not shown any insight into his actions or expressed remorse." In my judgement, the lack of full insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. 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 considered that Mr Maunders' behaviour in committing the offence would 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 misconduct with a child 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 a relevant conviction, 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 Maunders himself. The panel comment "As far as the panel was aware, Mr Maunders did have a previously good history as a teacher."

A prohibition order would prevent Mr Maunders 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 concerning the lack of insight or remorse as well as the nature of the conviction.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Maunders 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 severity of the offences was a significant factor in forming that opinion."

I have considered whether allowing for no review reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review is necessary are the nature of the convictions and the lack of insight or remorse.

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 Nicholas Maunders 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 Nicholas Maunders 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 Nicholas Maunders 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: 8 April 2022

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