



Teaching
Regulation
Agency

Mr Zac Blinston: Professional conduct panel outcome

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

September 2022

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

Teacher: Mr Zac Blinston
TRA reference: 0019036
Date of determination: 14 September 2022
Former employer: Silver Springs Primary Academy, Stalybridge (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 12 to 14 September 2022 via Microsoft Teams, to consider the case of Mr Zac Blinston.

The panel members were Ms Nicola Hartley (lay panellist – in the chair), Ms Rosemary Joyce (teacher panellist), and Mr Martyn Stephens (lay panellist).

The legal adviser to the panel was Ms Anna Marjoram of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson solicitors.

Mr Zac Blinston was present and was represented by Mr Jonathan Storey of Cornwall Street Barristers, for the NEU.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 14 July 2022, as amended by the preliminary application of the presenting officer.

It was alleged that Mr Blinston was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a Teacher at the School between September 2015 and January 2020;

1. On or around 9 November 2019, he made one or more offensive and/or homophobic comments, specifically by calling one or more of the employees of Greater Manchester Police:
 - a. a 'cunt';
 - b. a 'Tory cunt';
 - c. a 'wanker';
 - d. a 'fucker';
 - e. a 'dickhead';
 - f. a 'bellend';
 - g. a 'dyke';
 - h. a 'twat';
 - i. a 'prozzy' and/or a prostitute.
2. In behaving as may be found proven at allegation 1 above, he:
 - a. demonstrated intolerance and/or hatred on the grounds of sexual orientation;
 - b. demonstrated a lack of tolerance and/or respect for the rights and/or beliefs of others.

He has been convicted, at any time, of a relevant offence, in that:

3. On or around 28 November 2019, he was convicted of the offence of 3 counts of assault on a police officer.

Mr Blinston admitted the facts of allegations 1 a. – i., but did not accept that these comments were homophobic; and he admitted allegation 3. Mr Blinston did not admit allegations 2 a. and 2 b.

Mr Blinston made no admissions in respect of whether his conduct amounted to unacceptable professional conduct, conduct that may bring the profession into disrepute and/or conviction of a relevant offence.

Preliminary applications

The panel considered an application from Mr Blinston that the hearing should be held partly in private. It decided that it was in the public interest for the hearing to be held in public but decided it would hear certain parts in private.

The panel also considered an application from Mr Blinston to admit a number of late documents as referred to in the section below.

The panel considered an application from the presenting officer to amend allegation 3. The panel considered that the amendment did not change the nature or scope of the allegation but instead sought to correct an inconsistency with the memorandum of conviction. The application was therefore accepted and the allegation was amended.

Summary of evidence

Documents

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

Section 1: Chronology – page 7

Section 2: Notice of referral, response to notice of referral, notice of proceedings, response to notice of proceedings and statement of agreed and disputed facts – pages 9 to 26

Section 3: Teaching Regulation Agency witness statements – pages 29 to 61

Section 4: Teaching Regulation Agency documents – pages 63 to 185

Section 5: Teacher documents – pages 188 to 289

In addition, the panel agreed to accept the following:

- [REDACTED];
- a link to a video for Mr Blinston's theatre project, "[REDACTED]";
- an updated testimonial statement from Mr Blinston's [REDACTED];
- signed versions of the unsigned witness statements of Witness D, Witness B and [REDACTED] which were already contained within the bundle; and
- a signed witness statement from Witness A, which reproduced the substance of the testimonial already provided by him and contained within the bundle.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from Mr Blinston. Mr Blinston also called the following witnesses:

- Witness A;
- Witness B;
- Witness C;
- Witness D;
- Witness E;
- Witness F; and
- Witness G.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Blinston was employed as a Teacher at the School from 1 September 2016.

On 9 November 2019, the police attended Mr Blinston's home address following concerns of a disturbance, and Mr Blinston was later arrested for breaching the peace. On 28 November 2019, Mr Blinston was convicted of three counts of assaulting an emergency worker, in this case three police officers, contrary to section 39 of the Criminal Justice Act 1988 and section 1 of the Assaults on Emergency Workers (Offences) Act 2018.

Mr Blinston ceased working at the School on 8 January 2020 following his resignation.

Findings of fact

The findings of fact are as follows:

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

Whilst employed as a Teacher at the School between September 2015 and January 2020;

1. On or around 9 November 2019, you made one or more offensive and/or homophobic comments, specifically by calling one or more of the employees of Greater Manchester Police:

- a. a 'cunt';
- b. a 'Tory cunt';
- c. a 'wanker';
- d. a 'fucker';
- e. a 'dickhead';
- f. a 'bellend';
- g. a 'dyke';
- h. a 'twat';
- i. a 'prozzy' and/or a prostitute.

These allegations were admitted by Mr Blinston, save that he did not admit that any of the comments made were of a homophobic nature.

The evidence presented to the panel, notably the body camera videos and transcripts of the exchanges between the police officers and Mr Blinston on or around 9 November 2019, confirmed that all of these terms were used by Mr Blinston.

The panel accepted that Mr Blinston had no recollection of the events, and that his reactions to police officers attending his home was exacerbated by other circumstances, [REDACTED]. However, having considered all the evidence, the panel considered that Mr Blinston intended his comments to be offensive, and the panel felt that Mr Blinston appeared to direct his comments to the police officers based on his perception of their characteristics. For example, his use of the word "dyke" was directed to a specific female officer, and Mr Blinston continued to use this comment against that officer in an attempt to cause offence based on his perception of her sexuality.

The panel therefore found this allegation proved.

3. On or around 28 November 2019, you were convicted of the offence of 3 counts of assault on a police officer.

This allegation was admitted and was supported by evidence presented to the panel, specifically the memorandum of conviction which confirmed Mr Blinston had been convicted of three counts of assaulting an emergency worker, in this case three police officers. The allegation was therefore found proved.

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

2. In behaving as may be found proven at allegation 1 above, you:

- a. demonstrated intolerance and/or hatred on the grounds of sexual orientation;**
- b. demonstrated a lack of tolerance and/or respect for the rights and/or beliefs of others.**

Given the panel's findings in respect of allegation 1, the panel then considered whether allegation 2 had been found proven.

On considering all the evidence, the panel was of the view that Mr Blinston's conduct was part of a verbal tirade which was intended to cause offence to the police officers, but which was not demonstrative of a lack of tolerance or respect, or hatred. The panel considered the video evidence before it to show that Mr Blinston was attempting to retaliate to what he perceived was a hostile situation, and it was acknowledged that the situation appeared to escalate rather than de-escalate during the duration of the police's attendance.

The panel heard evidence that Mr Blinston was a tolerant person and that his use of the language set out in allegation 1 was out of character. The panel were persuaded by the witness evidence presented in this regard.

Whilst the panel acknowledged that the comments made by Mr Blinston could be perceived by others to lack tolerance or respect, the panel did not consider Mr Blinston's actions in the context of the events which unfolded on that single evening, at a time that the panel accept Mr Blinston was in crisis, to be demonstrative of a lack of tolerance or respect.

The panel therefore found the allegations not proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or 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".

Upon considering whether Mr Blinston's conduct at allegation 1 amounted to unacceptable professional conduct, the panel was not satisfied that the conduct of Mr Blinston, in relation to the facts found proved, involved breaches of the Teachers' Standards or KCSIE/ Working Together to Safeguard Children. The panel did not, therefore, consider that Mr Blinston's conduct fell significantly short of the standard of behaviour expected of a teacher with reference to those tools.

The panel also considered whether Mr Blinston's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offences of violence and serious offences involving alcohol were relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. However, the panel noted that the facts of allegation 1 took place outside the education setting, and the panel found no evidence that Mr Blinston's conduct in respect of this isolated, domestic incident would affect the way he fulfilled his teaching role or may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way.

Accordingly, on weighing these competing factors, the panel was not satisfied that Mr Blinston was guilty of unacceptable professional conduct.

In considering whether Mr Blinston's conduct at allegation 1 amounted to conduct that may bring the profession into disrepute, 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 that they behave.

As noted above, the panel considered whether Mr Blinston's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice and found that the offences of violence and serious offences involving alcohol were relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute. The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher. The panel considered that Mr Blinston's conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Mr Blinston's actions constituted conduct that may bring the profession into disrepute.

The panel then considered whether Mr Blinston's convictions as set out at allegation 3 amounted to conviction of a relevant offence. The panel was not satisfied that the conduct of Mr Blinston, in relation to the facts it found proved, involved breaches of the Teachers' Standards.

The panel noted that Mr Blinston's actions were not relevant to teaching, working with children and/or working in an education setting, noting again that the convictions related to an isolated, domestic incident.

The panel did not consider that Mr Blinston's actions had a potential impact on the safety or security of pupils or members of the public, having heard evidence that this conduct was committed in a state of crisis.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Blinston's behaviour in committing the offences would be likely to affect public confidence in the teaching profession, if Mr Blinston was allowed to continue teaching.

The panel noted that Mr Blinston's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was not at the most serious end of the spectrum. However, this was a case concerning offences involving violence and serious offences involving alcohol. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence". The panel considered that assaults against emergency workers should be treated seriously.

The panel took into account witness evidence relating to Mr Blinston's successes as a teacher and his work with vulnerable adults, and that this incident appeared to be out of character. The panel also took into consideration Mr Blinston's account of the emotional difficulties he described that he was suffering at the relevant time as a result of a close family grievance, [REDACTED]. Mr Blinston described at length [REDACTED] the steps he had, and is continuing to, undertake to develop strategies to help him cope with similar challenges in future. The panel also heard Mr Blinston's evidence that he committed the offences following an argument that had left him distraught and not thinking clearly, [REDACTED].

Although the panel found that the evidence of the circumstances surrounding the offences to be of note, 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 conduct that may bring the profession into disrepute and 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Blinston and whether a prohibition order is necessary and proportionate. 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 maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Blinston, which involved assaults on three police officers and the use of offensive language against those officers, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Blinston were not treated with the utmost seriousness when regulating the conduct of the profession. Similarly, the panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Blinston was outside that which could reasonably be tolerated.

Notwithstanding these considerations, the panel decided that there was a strong public interest in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator, and the panel felt that he would be able to make a valuable contribution to the profession. The witness evidence heard by the panel confirmed that he was a valued member of the profession who was able to engage well with children and in particular children from difficult backgrounds.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, relevant in this case was:

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 disclosure.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher.

The panel considered that Mr Blinston was in crisis resulting from the culmination of a unique set of circumstances, [REDACTED].

Taking the circumstances leading up to the incident into account, the panel accepted that at the time of the incident Mr Blinston was acting under extreme stress, given his perception of the situation with his altered state of mind at that time. The panel accepted Mr Blinston’s reflection that [REDACTED], and which then significantly escalated the situation as Mr Blinston perceived it. [REDACTED], was felt to have resulted in this one-off incident, entirely away from the education setting.

Mr Blinston did have a previously good history, having demonstrated high standards in both his personal and professional conduct and having contributed well to the education sector. The panel accepted the testimony of Mr Blinston and others that the incident was wholly out of character, and noted that there had been no similar incidents previously or since the single event resulting in the convictions.

The panel found Mr Blinston to have demonstrated genuine remorse for the incident leading to his convictions, and he had a high level of insight upon reflection [REDACTED]. The panel were presented with significant evidence to demonstrate the actions Mr Blinston has taken to overcome his personal challenges and, given the numerous strategies Mr Blinston has put in place for himself [REDACTED], the panel considered that the risk of repetition of this conduct was very low. [REDACTED]. In the time since the incident, Mr Blinston has made many positive changes to his lifestyle, gained alternative employment and contributed towards a number of projects benefiting others in the community.

The panel noted that there were a large number of witnesses willing to attest to Mr Blinston’s good character, teaching abilities and efforts made to overcome his personal difficulties; and the panel found these persuasive.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the

less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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.

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 conduct that may bring the profession into disrepute and a relevant conviction. In this case, the panel has found allegation 3 not proven, and found that some allegations do not amount to unacceptable professional conduct. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Zac Blinston should not be the subject of a prohibition order. The panel has recommended that the findings of conduct likely to bring the profession into disrepute and a relevant conviction should be published and that such an action is proportionate and in the public interest.

The panel was not satisfied that the conduct of Mr Blinston, in relation to the facts found proved, involved breaches of the Teachers' Standards or KCSIE/Working Together to Safeguard Children.

The panel did not, consider that Mr Blinston's conduct fell significantly short of the standard of behaviour expected of a teacher.

The findings of misconduct involved assaults on three police officers and the use of offensive language against those officers.

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 Blinston, 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/safeguard pupils. The panel has observed, "The panel did not consider that Mr Blinston's actions had a potential impact on the safety or security of pupils or members of the public, having heard evidence that this conduct was committed in a state of crisis."

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel found Mr Blinston to have demonstrated genuine remorse for the incident leading to his convictions, and he had a high level of insight upon reflection [REDACTED]. The panel were presented with significant evidence to demonstrate the actions Mr Blinston has taken to overcome his personal challenges and, given the numerous strategies Mr Blinston has put in place for himself [REDACTED], the panel considered that the risk of repetition of this conduct was very low. [REDACTED]. In the time since the incident, Mr Blinston has made many positive changes to his lifestyle, gained alternative employment and contributed towards a number of projects benefiting others in the community." 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, "In light of the panel's findings against Mr Blinston, which involved assaults on three police officers and the use of offensive language against those officers, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Blinston were not treated with the utmost seriousness when regulating the conduct of the profession. Similarly, the panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Blinston was outside that which could reasonably be tolerated."

I am particularly mindful of the finding of the offences including assaulting emergency workers 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 conduct that may bring the profession into disrepute and 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 Zac Blinston himself and the panel comment “Mr Blinston did have a previously good history, having demonstrated high standards in both his personal and professional conduct and having contributed well to the education sector. The panel accepted the testimony of Mr Blinston and others that the incident was wholly out of character, and noted that there had been no similar incidents previously or since the single event resulting in the convictions.”

A prohibition order would prevent Mr Blinston 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 insight or remorse, “The panel found Mr Blinston to have demonstrated genuine remorse for the incident leading to his convictions, and he had a high level of insight upon reflection [REDACTED]. The panel were presented with significant evidence to demonstrate the actions Mr Blinston has taken to overcome his personal challenges and, given the numerous strategies Mr Blinston has put in place for himself [REDACTED], the panel considered that the risk of repetition of this conduct was very low. [REDACTED]. In the time since the incident, Mr Blinston has made many positive changes to his lifestyle, gained alternative employment and contributed towards a number of projects benefiting others in the community.”

I have also placed considerable weight on the finding of the panel that “Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.”

I have given weight in my consideration of sanction, to the contribution that Mr Blinston has made to the profession.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.



Decision maker: Sarah Buxcey

Date: 20 September 2022

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