



Teaching
Regulation
Agency

Mr Adam Barton: Professional conduct panel meeting outcome

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

November 2022

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

Teacher:	Mr Adam Barton
Teacher ref number:	1835337
Teacher date of birth:	16 July 1972
TRA reference:	19641
Date of determination:	14 November 2022
Former employer:	Brookside Primary School, Stockport

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 November 2022 by virtual means, to consider the case of Mr Adam Barton.

The panel members were Mr Steve Woodhouse (teacher panellist – in the chair), Mr Maurice McBride panellist (lay panellist) and Mrs Caroline Tilley (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) 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 Barton that the allegations be considered without a hearing. Mr Barton provided a signed statement of agreed facts and admitted that he had been convicted of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Ms Louise Murphy-King of Kingsley Napley or Mr Barton.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 2 November 2022.

It was alleged that Mr Barton had been convicted of a relevant offence, namely:

1. On 18 November 2021, he was convicted at Crown Court at Minshull Street of the following offences:
 - i. attempt/cause child under 16 to watch a sexual act on 17/10/20 Sexual Offences Act 2003

Sexual harm prevention order 5 yrs

Sex offender's notice 10 yrs
 - ii. attempt/ engage in sexual communication with a child on 17/10/20 Sexual Offence Act 2003.

The panel proposed to amend the allegations to those agreed by Mr Barton in the statement of agreed facts as that would better reflect the matters set out in the Certificate of Conviction. Before taking this decision, the panel sought representations from both the presenting officer and Mr Barton regarding this amendment. The response confirmed that Mr Barton was comfortable with the allegation set out in the statement of agreed facts. It was considered that Mr Barton's response to the allegation would not have changed, had this amendment been made at an earlier stage, given that the wording the panel proposed to consider was as agreed to by Mr Barton in the statement of agreed facts. The panel decided therefore to amend the allegations to state as follows:

1. On 18 November 2021, he was convicted at Greater Manchester Magistrates' Court of the following offences:
 - i. Attempting / Causing a child between 13 and 15 years of age to watch/look at an image of sexual activity on 17/10/20, contrary to the Sexual Offences Act 2003 s 12(1)(a);
 - ii. Attempting/ Engaging in sexual communication with a child on 17/10/20 contrary to the Sexual Offences Act 2003 s 15A(1).

The teacher's admitted both the facts of the conviction and that it amounted to a conviction of a relevant offence.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 1 to 2

Section 2: Notice of referral, response and notice of meeting – pages 3 to 9

Section 3: Statement of agreed facts – pages 10 to 13

Section 4: Teaching Regulation Agency documents – pages 14 to 100

Section 5: Teacher documents – pages 101 to 103

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 Barton on 22 September 2022.

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 Barton 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.

On 28 October 2019, Mr Barton commenced his employment as a primary school class teacher at Brookside Primary School (“the School”). On 22 October 2020, Mr Barton was arrested by the police at the School. On 5 November 2020, Mr Barton was suspended from his role at the School and he resigned from the School on the same day.

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:

- 1. On 18 November 2021, he was convicted at Greater Manchester Magistrates' Court of the following offences:**
 - i. Attempting / Causing a child between 13 and 15 years of age to watch/look at an image of sexual activity on 17/10/20, contrary to the Sexual Offences Act 2003 s 12(1)(a);**
 - ii. Attempting/ Engaging in sexual communication with a child on 17/10/20 contrary to the Sexual Offences Act 2003 s 15A(1).**

Mr Barton has admitted to the allegations in the statement of agreed facts. The panel has seen the certificate of conviction and print of PNC details which together confirm that Mr Barton was convicted as alleged. The panel accepted the certificate of conviction as conclusive proof of both the convictions and the facts necessarily implied by the convictions.

In the statement of agreed facts, Mr Barton admitted that on 17 October he sent messages to a female in an online chat room. The female messaged him to say that she was [REDACTED]. Mr Barton sent the female a picture of an erect penis and asked her if she liked it before sending another picture of an erect penis. Mr Barton then messaged the female to say that his fantasy was to strip and masturbate for a stranger and he asked her if she wanted to watch. He then video called the female with his hand down his trousers playing with his penis. During a video call with the female he pulled his erect penis from his trousers and began masturbating. He pleaded guilty to both of the offences with which he was charged and was subsequently convicted.

Findings as to conviction of a relevant offence

The panel was satisfied that the conduct of Mr Barton, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Barton 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 the individual's actions were relevant to teaching, working with children and working in an education setting as they demonstrated a sexual interest in children.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils and members of the public. This is evidenced by the 5 year sexual harm prevention order imposed upon Mr Barton and his placement of the sex offenders' register for a period of 10 years.

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

The panel noted that Mr Barton's behaviour ultimately led to a sentence of 24 months imprisonment, (albeit that it was suspended for 24 months), which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence". Mr Barton also received 100 hours of unpaid work requirement and a 30 day rehabilitation activity requirement.

This was a case concerning an offence involving sexual activity and sexual communication with a child. 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 took into account the steps Mr Barton has taken since his arrest to understand and address his behaviour. Nevertheless, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Barton's fitness to be a teacher. 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 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 Barton 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 all of them to be relevant in this case, namely, the safeguarding and wellbeing 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.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious convictions of offences contrary to the Sexual Offences Act 2002, involving a child.

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

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 Barton was outside that which could reasonably be tolerated.

The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Barton in the profession, since his behaviour is fundamentally incompatible with being a member of the teaching profession.

The panel carefully deliberated the seriousness of Mr Barton's online 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. In this instance, the offences committed were particularly serious. Mr Barton sought to act out a fantasy with someone he believed to be [REDACTED], with it only a matter of good fortune that the individual with whom he was engaging was an investigating officer. Mr Barton continued with his actions, despite being informed that the person was [REDACTED], regardless of the emotional and psychological harm that could be caused to such a child.

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, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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;
- abuse of position or trust...

- 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;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE)

The panel considered Mr Barton to have breached his position of trust, in that as a teacher, he was expected not to have engaged in such behaviour.

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 and whether there were mitigating circumstances.

Mr Barton's actions were deliberate and premeditated.

There was no evidence to suggest that Mr Barton was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Barton's actions to be calculated and motivated.

Whilst Mr Barton appears to have a previously good history, this was limited in its extent given that these offences were committed whilst Mr Barton held his first full time teaching position. There is no evidence that Mr Barton has demonstrated exceptionally high standards in his personal and professional conduct or that he has contributed significantly to the education sector.

No evidence has been adduced testifying to Mr Barton's character or teaching proficiency.

Mr Barton has provided a witness statement expressing his remorse for his actions. He has demonstrated understanding as to how his actions towards a child could affect them emotionally and psychologically and impact on them in their future life. He has expressed regret for his actions and has admitted that at the time, he had not spared any thought for the victim of his crime. He has indicated that he regrets the impact his conduct had on the teaching profession, his school, and all those close to him professionally and personally.

To understand his behaviour, Mr Barton stated that he accessed the Lucy Faithful online material referred to in literature that he was provided with at the police station. He appreciated he [REDACTED]. He stated that he completed [REDACTED]. His [REDACTED] reviews his phone use, as does a childhood friend through an app, and he has enabled filters on his phone to stop adult site access.

The panel noted that although Mr Barton had provided an account of the steps he has taken to rehabilitate himself, no independent evidence was adduced as to the success of these steps or progress made.

Mr Barton has recognised that he treated the victim of his behaviour without compassion or empathy, that he objectified her and used her for his own sexual gratification. He has stated that he is particularly disgusted with himself for using a particular app because of obvious association with users who would sexually harm children. He has confirmed that since his arrest, Mr Barton has not accessed any pornography or social media that could trigger a lapse. He has expressed remorse at having to come before this panel and the outlay of time and effort caused by his offending, and that it should not have taken an arrest and legal proceedings for him to understand that he had a problem and for him to do something to address his issues.

Mr Barton pleaded guilty to the offences at the earliest opportunity and has fully co-operated with the TRA's proceedings.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Barton of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate given the seriousness of the offences involving attempt to cause a child to watch/ look at an image of sexual activity and attempt to enter into sexual communication with a child. Mr Barton was ordered to register on the sex offenders' register for a period of ten years, reflecting the seriousness of his offences and that his behaviour is incompatible with being a teacher. The panel decided that the public interest considerations outweighed the interests of Mr Barton. 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 for it to decide to recommend a review period of the order. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, eg where the act was sexually

motivated and resulted in, or had the potential to result in, harm to a person or persons ... ; and any sexual misconduct involving a child. The panel found that Mr Barton was convicted of such offences.

Whilst Mr Barton appears to have gained considerable insight and has expressed appropriate remorse, the panel concluded that the seriousness of his behaviour, with complete disregard for the potential victim of his offences, 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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of 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 Adam Barton should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Barton 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 was satisfied that the conduct of Mr Barton, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a conviction concerning an offence involving sexual activity and sexual communication 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 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 Barton, 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, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious convictions of offences contrary to the Sexual Offences Act 2002, involving 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, "Mr Barton has provided a witness statement expressing his remorse for his actions. He has demonstrated understanding as to how his actions towards a child could affect them emotionally and psychologically and impact on them in their future life. He has expressed regret for his actions and has admitted that at the time, he had not spared any thought for the victim of his crime. He has indicated that he regrets the impact his conduct had on the teaching profession, his school, and all those close to him professionally and personally."

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 Barton's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Barton was allowed to continue teaching." I am particularly mindful of the finding of an offence involving sexual communication 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 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 Barton himself and the panel comment “Whilst Mr Barton appears to have a previously good history, this was limited in its extent given that these offences were committed whilst Mr Barton held his first full time teaching position. There is no evidence that Mr Barton has demonstrated exceptionally high standards in his personal and professional conduct or that he has contributed significantly to the education sector.”

A prohibition order would prevent Mr Barton 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, “Mr Barton has recognised that he treated the victim of his behaviour without compassion or empathy, that he objectified her and used her for his own sexual gratification. He has stated that he is particularly disgusted with himself for using a particular app because of obvious association with users who would sexually harm children. He has confirmed that since his arrest, Mr Barton has not accessed any pornography or social media that could trigger a lapse. He has expressed remorse at having to come before this panel and the outlay of time and effort caused by his offending, and that it should not have taken an arrest and legal proceedings for him to understand that he had a problem and for him to do something to address his issues.”

I have also placed considerable weight on the finding of the panel that “The panel carefully deliberated the seriousness of Mr Barton’s online 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. In this instance, the offences committed were particularly serious. Mr Barton sought to act out a fantasy with someone he believed to be [REDACTED], with it only a matter of good fortune that the individual with whom he was engaging was an investigating officer. Mr Barton continued with his actions, despite being informed that the person was [REDACTED], regardless of the emotional and psychological harm that could be caused to such a child.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Barton 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, 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 "Whilst Mr Barton appears to have gained considerable insight and has expressed appropriate remorse, the panel concluded that the seriousness of his behaviour, with complete disregard for the potential victim of his offences, 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 provision for a review period."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are seriousness of the findings involving a child.

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



Decision maker: Sarah Buxcey

Date: 17 November 2022

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