



Teaching
Regulation
Agency

Mr Martin Miles: Professional conduct panel outcome

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

November 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	18
Decision and reasons on behalf of the Secretary of State	21

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

Teacher:	Mr Martin Miles
Teacher ref number:	7970807
Teacher date of birth:	8 February 1957
TRA reference:	19553
Date of determination:	9 November 2023
Former employer:	The King's School, Canterbury

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 19 to 22 June and 9 November 2023 by way of a virtual hearing, to consider the case of Mr Martin Miles.

The panel members were Ms Mona Sood (lay panellist – in the chair), Ms Bev Williams (teacher panellist) and Mr Paul Hawkins (lay panellist).

The legal advisers to the panel were Ms Lucy Churchill of Birketts LLP solicitors (June) and Mr Jermel Anderson of Blake Morgan LLP solicitors (November).

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson solicitors.

Mr Miles was present and was represented by Ms Gurpreet Rheel of Cornwall Street Barristers.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 8 November 2022. A re-list letter was sent to Mr Miles on 30 January 2023.

It was alleged that Mr Miles was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as an assistant teacher of French and German between September 1980 and September 2020:

1. He engaged in inappropriate behaviour in respect of Pupil A in or around 1992 to 1997 in that he:
 - a) Met with him 1:1 in his school accommodation;
 - b) Attended one or more concerts with him;
 - c) Discussed matters of a sexual nature with him;
 - d) Suggested and/or invited him to sit on his lap;
 - e) Suggested and/or invited him to engage in sexual activity with him;
 - f) Engaged in sexual contact and/or sexual activity with him;
 - g) Observed him changing through a keyhole on one or more occasions;
 - h) Encouraged and/or assisted him to undress and/or bathe;
 - i) Stayed overnight with him at a former pupil's home; and
 - j) Invited him to stay at his flat on school grounds on one or more occasions.
2. His behaviour as may be found proven at 1 above was conduct of a sexual nature and/or was sexually motivated

Mr Miles admitted allegations 1(a), 1(b), 1(c), 1(h), 1(i) and 1(j) but did not believe his actions were inappropriate in the context of the policies and procedures of the time. Mr Miles denied allegations 1(d), 1(e), 1(f), 1(g) and 2.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology – page 5
- Section 2: Notice of hearing and response – pages 7 to 20
- Section 3: TRA witness statements – pages 22 to 26
- Section 4: TRA documents – pages 28 to 122
- Section 5: Teacher documents at investigation stage – pages 124 to 132
- Section 6: Teacher documents at hearing stage – pages 135 to 311

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

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Pupil A.

The panel heard oral evidence from the following witnesses called by the Teacher:

- Mr Miles;
- Witness B.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 28 May 2020, Pupil C sent an email to the [REDACTED] at King's School ('the School'), detailing that another former pupil, Pupil A, was subjected to sexual abuse by Mr Miles whilst studying at the School between 1992 to 1997.

The [REDACTED] reported the matter to Kent police via East Kent LADO, on 29 May 2020. The police decided not to investigate the matter, as Pupil A decided to remain anonymous and not report the allegations directly to the police.

The [REDACTED] met with Mr Miles on 24 June 2020, to inform him of the allegations. The School then commissioned a suitability report, which was conducted by a safeguarding specialist.

On 17 July 2020, the School's investigation commenced with the safeguarding specialist conducting interviews with Pupil A, Pupil B and Pupil C, together with Mr Miles and other members of staff, both past and present.

During the investigation, on 25 August 2020, Mr Miles decided to retire from the School.

On 5 October 2020, the [REDACTED] reported the incident to the TRA and the [REDACTED].

Findings of fact

The findings of fact are as follows:

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

The panel noted that Mr Miles admitted allegations 1(a), 1(b), 1(c), 1(h), 1(i) and 1(j) but denied allegations 1(d), 1(e), 1(f) 1 (g), and 2.

Notwithstanding the admissions made by Mr Miles, the panel made a determination based on the evidence available to it.

Mr Miles, Pupil A and Witness B all provided a written statement and attended the hearing to give evidence.

The panel noted the witness statement and oral evidence of Mr Miles who submitted that Pupil A did not integrate easily into his peer group. Mr Miles' believed that in his GCSE year, Pupil A started to demand more of his attention, and began to open up about [REDACTED], especially about his [REDACTED]. Mr Miles described Pupil A's [REDACTED]. Mr Miles stated that he was happy to give Pupil A the time to unburden and explore issues [REDACTED].

Mr Miles explained that he accepted invitations to meals, events and trips with Pupil A's [REDACTED]. Mr Miles further explained that Pupil A had a talent for [REDACTED] and involved Pupil A in [REDACTED] over the following years, [REDACTED]. Mr Miles also hosted a music listening club that Pupil A [REDACTED].

The panel noted the witness statement and oral evidence of Pupil A, who explained that Mr Miles was his [REDACTED], and his tutor for some of [REDACTED], having full pastoral and academic oversight of all boys in the boarding house from [REDACTED].

Pupil A stated that when he first met Mr Miles, his initial opinion was that he was eccentric. Pupil A also thought that he was “*arrogant, entitled and that the culture in the boarding house was quite toxic*”. Pupil A believed that the culture was very old fashioned and unusual, even for standards in the late 1990s.

The panel also noted the witness statement and oral evidence of Witness B, on behalf of Mr Miles, [REDACTED]. Witness B stated that the Children Act 1989 marked a complete change in attitudes towards young people and resulted in Social Services becoming more involved in the inspection and regulation of boarding schools. Witness B’ recollection of training at the School was very clear; when Mr Miles became a housemaster, regulatory standards and procedures were entirely different, and indeed barely existent. Witness B could not recall any safeguarding training being provided at the time.

Assessment of witness evidence

The panel noted in respect of a number of allegations due to the nature of them and the evidence presented, they were required to consider the conflicting oral evidence of Pupil A and Mr Miles when making findings of fact. The panel assessed the oral evidence in the round when considering the reliability and credibility of the witnesses, noting the passage of time since the alleged incidents occurred.

The panel noted that Pupil A did not make the initial complaint to the School and chose not to report the allegations to the police. The panel considered the evidence demonstrated a pattern of Pupil A raising concerns to Mr Miles about Mr Miles’ own behaviour towards him and Pupil A was reluctant to raise the matter with the School or others at the time. The panel further noted the absence of independent evidence to undermine the credibility of Pupil A’s oral evidence, including any to substantiate a motivation for making false allegations against Mr Miles. The panel found Pupil A to be a credible witness.

The panel considered Mr Miles’ replies to questions posed by the safeguarding specialist when carrying out her suitability assessment. In the suitability report, Mr Miles is recorded as denying ever having a single boy in his private quarters, denying drinking alcohol with them one on one and denying taking a former pupil to stay with anyone else. These answers were contrary to Mr Miles’ own evidence before the panel. Mr Miles indicated that the reasons for his interview with the safeguarding specialist were not made clear to him. The panel noted that whilst Mr Miles had raised concerns about the basis of his interview with the safeguarding specialist and the subsequent content of the suitability report, it was accepted that he had not answered all her questions honestly.

The panel also considered Mr Miles’ failure to report to the School the complaints made against him by Pupil A, including allegations of inappropriate sexual behaviour, in March 1996 (following an inappropriate punishment), February 1997 (following an accusation of

Mr Miles peeping through Pupil A's bedroom keyhole) and March 2001. It was accepted that Pupil A had made these complaints directly to Mr Miles. The panel considered Mr Miles' decision not to report or otherwise disclose a serious complaint from a pupil/former pupil demonstrated a lack of transparency and integrity.

The panel concluded, considering the evidence in the round, that Mr Miles was not a reliable witness and to treat his evidence with caution.

The panel concluded where Pupil A's and Mr Miles' evidence conflicted on balance Pupil A's evidence was to be preferred.

He engaged in inappropriate behaviour in respect of Pupil A in or around 1992 to 1997 in that he:

a) Met with him 1:1 in your school accommodation;

Mr Miles admitted that he met with Pupil A within the housemaster's accommodation but stated that he met with *all* pupils as this was normal practice at the time; the study and other public rooms were within the flat and the flat door was permanently open with adults and pupils having access. Mr Miles accepted that he provided Pupil A and other pupils with alcohol during meetings in his school accommodation.

Pupil A recalled that things started to change with Mr Miles in around February 1996. Together with the girls boarding house next door, Pupil A was [REDACTED], and it was at this point during the Lent term of 1996 that he started to confide in Mr Miles about his [REDACTED].

Following [REDACTED], Pupil A submitted that Mr Miles repeatedly invited him to his flat and upstairs. Pupil A stated that Mr Miles would give him a gin and tonic, stroke his face and would say "*the good thing about you [Pupil A], is that you don't mind if I do this.*"

Pupil A stated he spent an unusual amount of time alone with Mr Miles in his flat in comparison to other pupils and the meetings did not have an obvious educational or pastoral purpose. Mr Miles stated the purpose of their meetings in his accommodation was based on their shared common musical interests.

The panel noted evidence that it was common practice for housemasters to allow pupils to consume alcohol on specific occasions but it was not accepted that this would include spirits.

The panel found allegation 1(a) proven.

b) Attended one or more concerts with him;

Mr Miles admitted taking Pupil A to [REDACTED], as he [REDACTED] over the years within the framework of accepted practice and obtained necessary consent at any given point of time.

Mr Miles denied taking Pupil A alone to [REDACTED] while he was at School, drawing distinction between term time and holidays. Mr Miles admitted taking Pupil A to a [REDACTED] during the summer holidays in 1996. Mr Miles stated he obtained [REDACTED] and for Pupil A to stay the night at his flat on their return in the evening.

Mr Miles accepted that on the way to [REDACTED] he and Pupil A changed into their tuxedos for the event in a room together. Mr Miles admitted that upon their return from [REDACTED] he opened a bottle of champagne and shared some with Pupil A.

The panel noted Pupil A was a pupil of the School at the relevant time.

The panel found allegation 1(b) proven.

c) Discussed matters of a sexual nature with him;

Mr Miles admitted having conversations with Pupil A regarding matters of a sexual nature. Mr Miles could not recall much detail of individual conversations, but stated that at that period, and before the modern development of PSHE, there was no suggestion that it was not appropriate to let pupils discuss their relationships and sexual concerns if they felt the need for advice or counselling from a tutor or housemaster in loco parentis.

Mr Miles stated that given Pupil A did not feel able to talk with his [REDACTED] about his relationships, he did choose to talk to him. Mr Miles admitted to using frequent innuendo in the classroom, boarding house and with all pupils.

Mr Miles stated he had a conversation with Pupil A regarding sexuality and had concluded that Pupil A was not particularly interested in older men. Mr Miles stated in evidence that Pupil A had sought his advice about whether he should have sex with his girlfriend. The Panel considered this demonstrated that Mr Miles had spoken to Pupil A regarding matters of a sexual nature.

Pupil A stated that Mr Miles regularly made jokes of a sexual nature. He once saw Pupil A in [REDACTED] during the holiday and said "*I saw you [Pupil A] and I thought mounting.*" Pupil A said that he was referring to Pupil A's school boarding house photograph but that there was innuendo behind his comments. Mr Miles stated it was perfectly plausible that he made a poor joke about "mounting" but cannot recall the detail or whether it would have been aimed at Pupil A. The panel concluded on balance, when considering the evidence in the round, that this joke was of a sexual nature.

Pupil A stated that on one occasion, Mr Miles showed Pupil A pornography from a CD-Rom that he had confiscated from a pupil. Mr Miles stated he had no recollection of any pornographic CD-Rom and denied having the means to show anyone such a thing.

The panel noted evidence that the sixth form work room was adjacent to Mr Miles' flat and had computer word processors with CD-Roms. Mr Miles stated that if he found suspected pornography, he would check it. The panel concluded that Mr Miles had the means to view a CD-Rom and on balance preferred the evidence on Pupil A.

The panel found allegation 1(c) proven.

d) Suggested and/or invited him to sit on your lap;

Mr Miles denied that he suggested and/or invited Pupil A to sit on his lap.

Mr Miles accepted that he did invite Pupil A to sit on the wide arm of an armchair to be able to look over a [REDACTED] or other materials under joint consideration. Mr Miles could not recall any reluctance on the part of Pupil A and stated that there would have been no reason to insist on Pupil A sitting there. In retrospect, however, Mr Miles could see that it might have felt threatening as a potential invasion of Pupil A's personal space, and he would not do it today.

Pupil A recalled that on one occasion Mr Miles asked him to sit on his lap and he complied. Pupil A stated it was clear that Mr Miles had an erection. Pupil A stated that this happened on multiple occasions.

The panel considered the witness evidence of Pupil A and Mr Miles and concluded that the evidence in the round established a pattern of behaviour (e.g. spending time alone with Pupil A in his flat, drinking alcohol (spirits) alone with pupil A, taking Pupil A to concerts, allowing him to stay in his flat during holidays, and teaching him to drive) where Mr Miles established a personal and intimate relationship with Pupil A going beyond the normal parameters of a teacher and pupil relationship or acting in loco parentis, as a housemaster. In this context and having found Pupil A to be a reliable witness the panel concluded Mr Miles had asked Pupil A to sit on his lap.

The panel found allegation 1(d) proven.

e) Suggested and/or invited him to engage in sexual activity with you;

Mr Miles denied this allegation and stated that this was utterly unacceptable with a pupil, then as now.

- asked Pupil A to sit on his lap when Mr Miles had an erection;
- told Pupil A he did not want to have sex with Pupil A but wanted to "*toss me off*";

- stroked Pupil A's face and would say "...the good thing about you [Pupil A], is that you don't mind if I do this";
- told Pupil A to take his trousers down (keeping his underwear on) and then Mr Miles lay his hands on Pupil A's bottom;
- on return from the [REDACTED] grabbed Pupil A's hand and tried to get Pupil A to touch his erection; and
- undressed Pupil A to bathe him (when he was ill in the night and vomiting) and while washing him tried to touch Pupil A's genitals.

The panel considered the witness evidence of Pupil A and Mr Miles and concluded that the evidence of Pupil A was more persuasive. The panel considered the available evidence which they concluded showed a pattern of behaviour where Mr Miles acted outside the normal boundaries of a teacher and pupil relationship and was consistent with trying to establish an intimate relationship.

The panel found that Mr Miles had sought to engage Pupil A in sexual activity.

The panel found allegation 1(e) proven.

f) Engaged in sexual contact and/or sexual activity with him;

Mr Miles denied allegation 1(f) but could not rule out the possibility of some element of physical contact over a period of several years of pastoral care. Mr Miles explained that at times, there is a need to give a pat on the back or a consoling arm around the shoulder. Mr Miles stated that "*had I ever had an erection, and I did not, the last thing I would have wanted would have been for Pupil A to have known; this would have been embarrassing, inappropriate and likely to end all trust*".

As set out above at allegation 1(e), Pupil A stated that Mr Miles had asked him on multiple occasions to sit on his lap. On at least one occasion when Pupil A sat on his lap Mr Miles had an erection.

Pupil A submitted that, on one evening in March 1996, Pupil A had been to a [REDACTED] and returned to the boarding house later than expected. As he entered the boarding house, Mr Miles was angry and told Pupil A to come into his flat upstairs. Mr Miles said he was angry that Pupil A stayed out later than he said he would. Pupil A explained Mr Miles said to him, "*I can either punish you by the appropriate channels or in my own way*" to which Pupil A replied that he wanted to be punished via the usual/appropriate channels. Mr Miles told Pupil A that he thought they had moved beyond that point.

Pupil A stated that Mr Miles proceeded to tell him to take his trousers down, which Pupil A did. He then lay his hands on Pupil A's bottom, while Pupil A's boxers remained on. Pupil A recalled speaking to Mr Miles after this incident, it could have been as soon as the next day and he said he understood when Pupil A said he needed to address the matter.

Further, Pupil A submitted that Mr Miles:

- told Pupil A he did not want to have sex with Pupil A but wanted to “*toss me off*”;
- stroked Pupil A's face and would say “...*the good thing about you [Pupil A], is that you don't mind if I do this*”;
- on return from the [REDACTED] grabbed Pupil A's hand and tried to get Pupil A to touch his erection; and
- undressed Pupil A to bathe him (when Pupil A was ill in the night and vomiting) and while washing Pupil A tried to touch Pupil A's genitals.

The panel considered the witness evidence of Pupil A and Mr Miles and concluded that they preferred the evidence of Pupil A. The panel considered the available evidence which they concluded showed a pattern of behaviour where Mr Miles acted outside the normal boundaries of a teacher and pupil relationship. This was consistent with an individual trying to establish an intimate relationship.

The panel found allegation 1(f) proven.

h) Encouraged and/or assisted him to undress and/or bathe;

Mr Miles explained that this related to an incident whereby Pupil A had been out to a restaurant with friends on a Saturday evening to celebrate an [REDACTED] birthday. Students were allowed by the School to drink alcohol, and Pupil A seemed a little “*worse for wear*” on return, but not dangerously so. Mr Miles stated he ensured the students drank water and checked up on them a little later. Mr Miles stated sometime after midnight, there was a repeated banging on the wall from Pupil A's room, and therefore Mr Miles went to Pupil A's room and found him “*lying in a dazed state having been sick over himself and also having wetted himself*”. Mr Miles explained that he took Pupil A to the bathroom in his flat and helped Pupil A into a bath, sorted out his bedding and made a judgment call that it was safe to let him sleep it off having fully emptied his stomach. Mr Miles said he was unsure as to what else he could have done.

Pupil A explained that on 3 March 1997, it was his [REDACTED]. Pupil A recalled being ill in the night and vomiting. Pupil A also recalled cleaning himself up in the bath in Mr Miles' bathroom after banging on the adjoining door but could not recall whether Mr Miles undressed him, or whether he undressed himself before getting into the bath. Pupil A

stated that even though he was clearly sick and vomiting, Mr Miles had not called the boarding house matron, which was usual procedure. Pupil A said that whilst he was in the bath, Mr Miles entered the bathroom and tried to touch his genitals. Pupil A recalled trying to “*bat his hand away*”.

The panel also noted the evidence of Witness B who was a [REDACTED] at the School. Witness B explained that the School’s sanatorium refused to deal with intoxicated pupils, and that house matrons would not necessarily assist with matters late at night. Witness B stated that he would not have bathed a pupil alone then or now, and when a pupil became unwell in the night, he would wake another pupil to assist.

The panel noted that Mr Miles would have had to pass the rooms of pupils and the pupils’ shower room on the way to the bathroom in his own flat, taking Pupil A in an intoxicated state down and then up a staircase to his flat. The panel considered the difficulty and inappropriateness of the task for a lone person, when there were a number of options open to him including the assistance of others in the boarding house, however inconvenient that may have been.

The panel found allegation 1(h) proven.

i) Stayed overnight with him at a former pupil’s home;

Mr Miles admitted that he stayed with Pupil A overnight, but that this did not take place while Pupil A was a pupil at the School. Mr Miles stated that the short visit occurred when Pupil A had already completed his first term at [REDACTED].

Pupil A stated that he and Mr Miles stayed at a former Pupil’s house in [REDACTED] on one occasion, in December 1997 after he had left the School, at the same time as Mr Miles having travelled to [REDACTED] with him. Pupil A recalled going to sign the visitors book that they kept at their house after they had left for work one day and said Mr Miles was leaning into him from behind. Pupil A further stated he tried to push him away and they ended up having a small tussle/fight.

Mr Miles responded that he looked over the shoulder of Pupil A on the occasion he was referring to and recalled Pupil A pushing him back. He suspected that Pupil A may not have wanted him to see what he was writing.

The panel found allegation 1(i) proven.

j) Invited him to stay at your flat on school grounds on one or more occasions.

Mr Miles admitted that he allowed Pupil A to stay overnight in School accommodation on one or more occasions but stated that there was nothing covert or inappropriate involved. This was with the knowledge and permission of Pupil A’s [REDACTED]. Pupil A stated

that Mr Miles approached his [REDACTED] without his knowledge to suggest that he stayed in Mr Miles flat during the October half term in 1996.

Pupil A stated that in July 1996 he had stayed overnight in Mr Miles' flat following the [REDACTED] in [REDACTED].

The panel noted the evidence of Pupil A and Mr Miles that with Pupil A's [REDACTED] permission, Pupil A stayed in Mr Miles' flat during the October half term in 1996 for five nights to complete a portfolio and [REDACTED] application. The panel noted that no other students were staying in the boarding house or Mr Miles' flat at that time.

The panel noted from the evidence that groups of pupils may stay overnight if returning late from a school trip at the end of term. The panel recognised this was accepted practice within the school at the time.

The panel found allegation 1(j) proven.

The panel found allegations 1(a), (b), (c), (d), (e), (f), (h), (i) and (j) proven.

The panel found the following allegation against Mr Miles not proved, for these reasons:

1. He engaged in inappropriate behaviour in respect of Pupil A in or around 1992 to 1997 in that he:

g) Observed him changing through a keyhole on one or more occasions.

The panel noted that Mr Miles denied allegation 1(g).

In reaching its decision, the panel considered the written statement and oral evidence of Pupil A and Mr Miles.

Mr Miles denied that he ever watched Pupil A changing through a keyhole. Mr Miles explained that Pupil A's room was next to the housemaster's accommodation, but the old door had not been used in decades, was locked and painted-in, the keyhole was covered with tape and Mr Miles did not have a key. Mr Miles explained in evidence that on his side of the door, the bath was positioned right across the doorway, with a step or two up in the embrasure of the wall to the actual door, covered with a curtain.

Pupil A submitted that on 9 February 1997, he had a row with Mr Miles and went up to his bedroom, he did not turn the light on but could see Mr Miles' eye in the keyhole of the door that adjoined the rooms together.

The panel noted Pupil A's oral evidence that while he suspected Mr Miles of observing him through a keyhole in the door between their accommodation on 9 February 1997 (and on other occasions while his girlfriend was in his room) he was not observed changing.

Mr Miles accepted that Pupil A had challenged him about this incident and Pupil A did not speak to him for a week.

The panel did not find the facts of allegation 1(g) proven.

Having found allegations 1(a), (b), (c), (d), (e), (f), (h), (i) and (j) proven, the panel went on to consider whether Mr Miles' conduct was sexually motivated.

2. His behaviour as may be found proven at 1 above was conduct of a sexual nature and/or was sexually motivated

The panel noted that Mr Miles denied his conduct was of a sexual nature and/or was sexually motivated and made a determination based on the evidence available to it.

The panel's attention was drawn to section 78 *Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that "A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship". The panel further considered that in *Haris*, the High Court indicated that the criteria in *Basson* sets the bar too high. Foster J stated:

"in the present case it is in my judgement clear beyond argument that the intimate touching of Patients A and B was sexual and that answering a question as to the motivation of the toucher, the only available answer, is yes, the motivation must have been sexual [...]"

"Of course, there are significant differences in the context and the analogy is not exact, but it does seem to me that pleading 'sexual motivation' is unhelpful. Similarly to look for 'sexual gratification' may be misleading or overcomplicating. It is irrelevant to the actions which the GMC would wish to proscribe whether or not the perpetrator was sexually 'gratified' at all – whether before, after or during the act in question. Gratification, as with 'pursuit of a relationship' are, pace the analysis of Mostyn J in Basson, not helpful in my judgement in promoting the public interests at stake here. These criteria set the bar too high and I respectfully disagree that they represent the law".

"Had the touching been pleaded as being 'sexual' and had the Tribunal asked themselves whether in all the circumstances, which includes the absence of accident [...] absence of consent [...] and any other clinical or other proper justification [...] then it seems to me impossible they would have reached any conclusion other than that the touching was sexual".

On examination of the evidence, the panel noted Mr Miles asked Pupil A to sit on his lap, “to toss him off”, tried to get Pupil A to touch his erection, tried to touch Pupil A’s genitals, and placed his hand on Pupil A’s bottom. The panel concluded this conduct could not be anything other than of a sexual nature and for his own sexual gratification. The panel reflected on the allegations as a whole and concluded Mr Miles behaviour demonstrated a pattern of seeking to gain the trust of Pupil A, regularly overstepping boundaries and singling him out for special treatment (for example taking Pupil A to [REDACTED]). The panel concluded that Mr Miles’ conduct as set out in allegations 1(a) to (f), (h) and (j) was sexually motivated.

The panel was of the view that there was no other reason for this conduct from a teacher towards a pupil. The panel therefore found that this conduct was in pursuit of a sexual relationship and/or was sexually motivated.

The panel therefore found the facts of allegation 2 proven.

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

Having found all but one 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.

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 Miles, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Miles 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;
 - showing tolerance of and respect for the rights of others.
- 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 Miles amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, as he had repeatedly failed to observe and maintain proper boundaries with Pupil A and had sought to cultivate an intimate and sexual relationship with Pupil A.

The panel also considered whether Mr Miles' conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that the offences of sexual activity, sexual communication with a child, and controlling or coercive behaviour were relevant due to the nature of his interactions and communications with Pupil A. The Advice indicates that where behaviours associated with such offences exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted some of the allegations took place outside the education setting, in that Mr Miles took Pupil A to a concert outside of school during the holidays and to visit a friend once Pupil A had left the School. However, the Panel believed Mr Miles conduct during the concert trip touched upon his profession as a teacher, as he knowingly engaged in inappropriate and sexually motivated behaviour with Pupil A during the excursion.

Accordingly, the panel was satisfied that Mr Miles was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

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, potentially damaging the public perception.

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

Having found the facts of allegations 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(h), 1(i), 1(j) and 2 proved, the panel further found that Mr Miles' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that 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 safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Miles, which involved engaging in an inappropriate relationship with a pupil, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children.

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

In view of 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 Miles. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Miles. 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 were relevant in this case were:

- 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 pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- 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);
- a deep-seated attitude that leads to harmful behaviour;

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.

There was no evidence that Mr Miles' actions were not deliberate.

There was no evidence to suggest that Mr Miles was acting under extreme duress.

Witness B described Mr Miles as an exceptional teacher of foreign languages and in particular a superb teacher of literature in foreign languages.

The panel noted character references, which attested to Mr Miles ability as a teacher: In particular, the panel noted the following:

- Individual A, [REDACTED] of Mr Miles for over 30 years:
 - *"His personal qualities are very commendable; highly intelligent and perspicacious, very purposeful in work, caring toward others and highly professional in his outlook and boundaries, trustworthy and of sound integrity."*
 - *"Overall, a highly talented man who has applied these talents as best he can in the service of the school and the pupils within it."*
- Individual B, [REDACTED] at the School:

- *“It is fair to say that running the House was not “just a job” for Martin, but a vocation. He understood the vital importance of “loco parentis” in boarding community and what those words really mean in practice.”*
- *“I am sure that my peers will have similar memories to me of Martin putting 100% into everything he did, be it a UCAS reference, a lesson plan, an investigation, preparations for House events, or listening calmly and sensitively to our concerns.”*
- Individual C, [REDACTED] of the School:
 - *“My husband and I had looked at other schools, including Winchester, who offered Matthew a place but chose Meister Omers because of our very positive first encounter with Martin Miles.”*
 - *“Specifically during this period he had many 1:1 conversations with Martin Miles about other pupil's pastoral care. Not once was any inappropriate behaviour by Martin Miles noticed.”*
 - *“Throughout the 5 years at King's I never heard Matthew or any of his friends or their parents (several of whom we knew) say anything negative about the personalities of Martin Miles or Matron, or the way they ran the house. Even the slightest indications of doubt over sexual behaviour were NEVER brought up.”*

The panel noted that no submissions were made by Mr Miles in respect of mitigation.

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 Miles 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 Miles. 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 behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include:

- serious sexual misconduct e.g. 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 their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

The panel found that Mr Miles was responsible for attempting to engage in an inappropriate and sexual relationship with a pupil.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In this case, the panel has also found one of the allegations not proven. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Miles 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;
 - showing tolerance of and respect for the rights of others.
- 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 finds that the conduct of Mr Miles fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include sexual activity with a pupil.

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 Miles, 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, "...he had repeatedly failed to observe and maintain proper boundaries with Pupil A and had sought to cultivate an intimate and sexual relationship with Pupil A." A prohibition order would therefore prevent such a risk from being present in the future.

The panel does not record that it was presented with any evidence that Mr Miles had demonstrated insight and/or remorse for his behaviour. It does, however, note that "...no submissions were made by Mr Miles in respect of mitigation." In my judgement, the lack of evidence of insight and 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 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, potentially damaging the public perception. I am particularly mindful of the finding of sexual activity in this case and the negative 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 and conduct that may bring the profession into disrepute, 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 Miles himself. The panel noted that it had heard several testimonials attesting to Mr Miles qualities as a teacher and his commitment to his pupils. For example, it records that, "Witness B described Mr Miles as an exceptional teacher of foreign languages and in particular a superb teacher of literature in foreign languages."

A prohibition order would prevent Mr Miles 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 lack of evidence of Mr Miles having demonstrated insight and/or remorse for his behaviour. I have also placed considerable weight on the seriousness of the panel's findings, including that of sexual activity with a pupil.

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

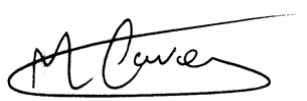
In doing so, the panel has referred to the Advice which indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include:

- serious sexual misconduct e.g. 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 their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. 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 the seriousness of the panel's findings, including sexual activity with a pupil, as well as the lack of evidence of either 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 Martin Miles 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 Miles shall not be entitled to apply for restoration of his eligibility to teach.



Decision maker: Marc Cavey

Date: 27 November 2023

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