



Teaching
Regulation
Agency

Miss Laura Martland: Professional conduct panel outcome

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

January 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	7
Documents	7
Witnesses	7
Decision and reasons	7
Findings of fact	8
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	17

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

Teacher: Miss Laura Martland
Teacher ref number: 0545108
Teacher date of birth: 15 March 1984
TRA reference: 20395
Date of determination: 17 January 2024
Former employer: Penketh High School, Warrington

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 15 January to 17 January 2024 remotely via Microsoft Teams to consider the case of Miss Martland.

The panel members were Ms Aisha Miller (teacher panellist – in the chair), Ms Emma Billings (lay panellist) and Dr Lee Longden (former teacher panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan LLP solicitors.

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

Miss Martland was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 3 November 2023.

It was alleged that Miss Martland was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. She failed to maintain appropriate professional boundaries with Pupil A around 2020 - 2021, by;
 - a. sending and/or exchanging emails with Pupil A, which;
 - i. were sent outside of school hours;
 - ii. attached personal photographs;
 - iii. contained an 'x' indicating kiss/kisses;
 - b. providing Pupil A with advice relating to relationships;
 - c. encouraging Pupil A to consume alcohol;
 - d. agreeing not to share information provided by Pupil A.

2. She failed to notify and/or notify at the earliest opportunity the Designated Safeguarding Lead that Pupil A disclosed information relating to;
 - a. [REDACTED];
 - b. [REDACTED];
 - c. [REDACTED];
 - d. [REDACTED];
 - e. consuming alcohol.

Miss Martland did not respond to the allegations, therefore the case proceeded as a disputed case.

Preliminary applications

Proceeding in absence

The Panel considered an application from the TRA to proceed in the absence of Miss Martland. The Panel heard and accepted the legal advice and took account of the various factors relied to it, as derived from the guidance in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The Panel was provided with evidence that the Notice had been sent to Miss Martland by email on 3 November 2023, which was over ten weeks before the first day of the hearing, in accordance with Paragraph 5.23 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession. It was noted that the TRA had not sent the Notice via post

until 8 November 2021. The TRA explained to the Panel that this was an administrative error. The Panel noted that the Notice sent by post was signed for on 10 November 2023.

Miss Martland has not formally responded to the Notice or the allegations in this case. However, the Panel noted that Miss Martland had responded to emails from the TRA/Presenting Officer sporadically throughout the case. Miss Martland's last email was sent the day before the hearing, 14 January 2024, in response to the TRA's application to amend the allegation (addressed below).

The TRA accepted that Miss Martland had not made an express request to communicate via email, but on questioning from the Panel, it was noted that the only correspondence from Miss Martland in this case had indeed been via email.

Accordingly, whilst the Panel expressed concern that the TRA had not sent the Notice by post at the same time as the email was sent, it was satisfied that Miss Martland was, at the very least, aware of these proceedings and this hearing in general terms.

The Panel went on to consider whether to proceed in Miss Martland's absence, or to adjourn. The Panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The Panel gave careful consideration to the fact that Miss Martland is not in attendance and will not be represented at this hearing, should it proceed, and the extent of the disadvantage to her as a consequence.

On balance, the Panel determined that it should proceed in the absence of Miss Martland, for the following reasons:

- Miss Martland had not sought an adjournment.
- The Panel had not been provided with any medical evidence which indicated that Miss Martland was unfit to attend the hearing due to ill-health.
- The Panel was satisfied that Miss Martland's absence was voluntary and she had waived her right to attend.
- There was no indication that Miss Martland might attend at a future date and an adjournment would be unlikely to result in her attendance at a later date.
- The Panel was conscious that witnesses had made arrangements and were ready to attend the hearing to provide their oral evidence. In particular, a [REDACTED] had arranged to give evidence.
- There is a strong public interest in hearings taking place within a reasonable timeframe.

Having decided that it is appropriate to proceed, the Panel would strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Miss Martland is neither present nor represented.

Special measures

The Panel considered an application from the TRA for Pupil A to be considered as a vulnerable witness and for special measures to be put in place. The TRA sought one special measure, namely that Pupil A be allowed to have a witness supporter present whilst they give evidence. The Panel heard and accepted the legal advice. The Panel noted that at the time of the allegations, Pupil A was a child, and whilst they are now aged over 18, they are a young adult. The Panel also took account of the sensitive content of the emails exchanged between Miss Martland and Pupil A. The Panel determined that it was appropriate in the circumstances of this case for Pupil A to be deemed a vulnerable witness. The Panel next determined that it was appropriate for Pupil A to give evidence and that they should be allowed a witness supporter to be present. The supporter would not take an active part in the hearing. The Panel found that these measures would allow Pupil A to provide their best evidence. The Panel did not find that there would be any unfairness or prejudice caused to Miss Martland.

Amend allegation

The Panel next considered an application from the TRA to amend the allegation. The amendment related to the wording of allegation 2. It was submitted that there was a typing error and instead of reference to the Designated Safeguarding Officer, this should be Designated Safeguarding Lead. The Panel took account of the submissions made by the TRA, and also the response from Miss Martland dated 14 January 2024 at 23:10, in which she stated "*I do not believe this is sufficient notice for the amendment to be made.*"

The Panel noted that it has a broad discretion to amend the particulars of the allegation any time before making findings of fact. The Panel noted that this was a simple correction of a typographical error in the wording of allegation 2 and the amendment would not cause any unfairness or prejudice to Miss Martland. Therefore, the application was granted, and the stem of allegation 2 was amended to read:

2. *She failed to notify and/or notify at the earliest opportunity the Designated Safeguarding Lead that Pupil A disclosed information relating to;*

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 proceedings and response – pages 7 to 18

Section 3: Teaching Regulation Agency witness statements – pages 20 to 25

Section 4: Teaching Regulation Agency documents – pages 27 to 193

Separate bundle of emails exchanged between Miss Martland and Pupil A, consisting of 870 pages.

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:

- Witness A – [REDACTED] at the School
- Pupil A – [REDACTED]

Decision and reasons

The Panel announced its decision and reasons as follows:

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

Miss Martland had been employed at Penketh High School (“the School”) since 31 March 2007 as a teacher of science.

On 10 June 2021, Miss Martland contacted Witness A the [REDACTED], and informed her that she was concerned about Pupil A. As the School had concerns about Miss Martland not providing all the emails she exchanged with Pupil A, the School suspended Miss Martland on 11 June 2021 pending an investigation.

During the investigation, the School gained access to both Miss Martland and Pupil A’s email accounts. It was noted that the email exchanges had taken place over a number of months, initially they were school related, but developed to a personal nature over time. Between March to June 2021, the emails covered a number of topics including personal

matters shared by both Miss Martland and Pupil A. Of concern, Pupil A had made disclosures to Miss Martland which included [REDACTED] and underage drinking.

It is alleged that Miss Martland had not followed School policy in that she failed to appropriately report the disclosures made by Pupil A to the School's safeguarding team.

On 28 September 2021, Miss Martland was dismissed by the School for misconduct.

Findings of fact

The findings of fact are as follows:

The Panel heard evidence from Witness A. Witness A told the Panel that Miss Martland came to speak to her on 10 June 2021 about concerns she had about Pupil A. Witness A asked Miss Martland to provide a copy of the emails between her and Pupil A. Witness A stated that Miss Martland had copied and pasted emails into a Word document, but it seemed that there were more to the emails. A decision was taken to suspend both Miss Martland and Pupil A's email accounts so that a review of the emails could be undertaken.

Witness A stated that there were serious safeguarding concerns arising out of the email conversations, that had not been passed on to the School by Miss Martland. Witness A stated that the conversations included discussions of [REDACTED]. The School sought advice from LADO and Miss Martland was suspended on 11 June 2021 pending further investigation. Witness A had no involvement in the investigation.

Witness A told the Panel that during the time that Miss Martland and Pupil A were exchanging emails, some of the time was during the Covid-19 lockdown and it was more common for pupils to communicate with teachers via email outside of School. Witness A told the Panel that the School implemented guidance for appropriate communication with pupils and this should have been limited to homework and schoolwork. Witness A also stated that staff have safeguarding training on an annual basis and this included reporting and recording disclosures in a timely manner. In her evidence, Witness A stated that teachers were not expected to respond to emails from pupils after 16:30, and confirmed that subject teachers would be expected to only communicate with pupils about their academic work. Witness A also told the Panel that support staff would usually deal with personal issues, but would raise concerns with parents/carers rather than pupils.

The Panel also heard evidence from Pupil A. Pupil A stated that during covid, communication with teachers was via email. Pupil A stated that they started communicating by email with Miss Martland about work, but as time went on, they started discussing personal things. Pupil A stated that they would email each other every day, and there wasn't really ever a break in the emails. Pupil A told the Panel that she did not communicate with other teachers outside of the school day. In her written evidence, Pupil

A stated that they felt that they had a friendship with Miss Martland, but in their oral evidence they told the Panel it was not a friendship, it was a teacher-student relationship that they now recognise had become unprofessional. Pupil A stated that both they and Miss Martland initiated conversations with each other. Pupil A confirmed that Miss Martland was not their form tutor or mentor.

In addition to the oral evidence provided, the Panel was also provided with an extensive bundle of emails exchanged between Miss Martland and Pupil A.

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

1. You failed to maintain appropriate professional boundaries with Pupil A around 2020 - 2021, by;

a. sending and/or exchanging emails with Pupil A, which;

i. were sent outside of school hours;

ii. attached personal photographs;

iii. contained an 'x' indicating kiss/kisses;

Within the bundle of emails provided to the Panel, there was evidence of Miss Martland both sending and receiving emails that were sent outside of school hours, attached personal photographs and contained an 'x' indicating a kiss or kisses. The Panel noted that there were several instances of each type of message, but as examples:

- On 28 November 2020, Miss Martland sent an email to Pupil A at 00:29am;
- On 14 January 2021, Miss Martland sent an email to Pupil A at 09:02, attaching a photograph of her [REDACTED];
- On 28 April 2021, Miss Martland sent an email to Pupil A at 21:01, attaching a photograph of herself and her [REDACTED];
- On 7 May 2021, Miss Martland sent an email to Pupil A at 22:29, which included the words "*...But not caring is a totally reasonable response! Xxxx*"

The Panel heard direct oral evidence from Pupil A that confirmed emails containing those elements were exchanged with Miss Martland.

b. providing Pupil A with advice relating to relationships;

Within the bundle of emails exchanged between Miss Martland and Pupil A, the Panel saw evidence of emails from Miss Martland that included providing advice to Pupil A about relationships. The Panel noted the following example:

- On 31 March 2021, Miss Martland sent an email to Pupil A, at 22:19, stating: “[REDACTED]”
- On 5 June 2021, Miss Martland sent an email to Pupil A, at 11:04, stating: “[REDACTED]”

In her oral evidence, Pupil A told the Panel that the conversations they would have with Miss Martland were different to those they would have with other teachers at the School. Pupil A told the Panel that before lockdown, Miss Martland was not a teacher they would seek out to talk to about personal things.

c. encouraging Pupil A to consume alcohol;

Within the bundle of emails exchanged between Miss Martland and Pupil A, the Panel saw evidence of emails from Miss Martland that appeared to encourage Pupil A to consume alcohol. The Panel noted the following example:

- On 28 May 2021, Pupil A sent Miss Martland an email at 14:08 that stated: “[REDACTED]”.
- In response, Miss Martland replied on the same day, at 14:15, with: “[REDACTED]”.

In Pupil A’s oral evidence, they confirmed that they were [REDACTED] when they left the School. Therefore, the Panel accepted that Pupil A was under the age of 18 at the time these emails were exchanged.

In Witness A’s oral evidence, she said there were two aspects of the correspondence that were a concern, the underage drinking and Pupil A placing themselves at risk.

d. agreeing not to share information provided by Pupil A.

Within the bundle of emails exchanged between Miss Martland and Pupil A, the Panel saw evidence of emails from Miss Martland that provided assurances to Pupil A that she would not share certain information shared by Pupil A. The Panel noted the following example:

- On 24 March 2021, Miss Martland sent an email to Pupil A at 20:14, which stated: “[REDACTED]”.

In Pupil A’s oral evidence, they told the Panel that at the time, they felt supported by Miss Martland knowing that she would not share the information.

Having found that there was clear evidence of the emails exchanged between Miss Martland and Pupil A as set out at particulars 1a, b, c and d, the Panel went on to consider whether Miss Martland had failed to maintain appropriate professional boundaries.

The Panel carefully considered whether, in sending the messages to Pupil A, Miss Martland failed to maintain appropriate professional boundaries. The Panel took account of Part 2 of the Teachers' Standards, which sets out that teachers have a duty of care towards pupils. The Panel also noted that the School's safeguarding policies made it clear how disclosures from pupils should be handled. The Panel considered that Miss Martland knew or reasonably ought to have known that she had a duty to act in accordance with the Teachers' Standards and the School's policies. Despite this, she exchanged emails with Pupil A over a number of months, the nature of many of those emails, blurred the boundaries of the teacher-pupil relationship. Therefore, the Panel found that Miss Martland failed to follow the duty to maintain appropriate boundaries with Pupil A.

Allegation 1 is proved in its entirety.

2. You failed to notify and/or notify at the earliest opportunity the Designated Safeguarding Lead that Pupil A disclosed information relating to;

- a. [REDACTED];**
- b. [REDACTED];**
- c. [REDACTED];**
- d. [REDACTED];**
- e. consuming alcohol.**

The Panel heard oral evidence from Witness A who confirmed that Miss Martland first contacted her about concerns regarding Pupil A on 10 June 2021. Witness A told the Panel that Miss Martland had provided a Word document which included some emails that had been copied and pasted. Witness A told the Panel that she was not satisfied that she had seen all of the emails exchanged between Miss Martland and Pupil A, so she arranged access to their email accounts. The Panel saw evidence of emails exchanged between Miss Martland and Pupil A that covered each of the topics set out at particulars 2 a-e. The emails between Miss Martland and Pupil A spanned a number of months. The Panel noted the following examples:

- On 24 March 2021 at 19:25, Pupil A sent Miss Martland an email which included the following: "[REDACTED]".

- On 25 March 2021 at 17:08, Pupil A sent Miss Martland an email, which stated: “[REDACTED]”.
- On 7 May 2021 at 22:21, Pupil A sent Miss Martland an email, which included: “[REDACTED]”.
- On 16 May 2021 at 18:41, Miss Martland sent an email to Pupil A saying: “[REDACTED]”.
- On 8 June 2021 at 10:29, Pupil A sent Miss Martland an email, which contained the following: “[REDACTED]”.

The Panel noted that there were disclosures made by Pupil A to Miss Martland about these topics, as early as March 2021.

Witness A told the Panel that the School was not aware of these concerns and that Miss Martland should have recorded and reported them to the School’s safeguarding team at the earliest opportunity as they were safeguarding matters. There is no evidence that Miss Martland reported the disclosures made by Pupil A, until she contacted Witness A on 10 June 2021.

Having found that Pupil A had informed Miss Martland about the matters at particulars 2a-e, which the Panel accepted were safeguarding concerns, the Panel went on to consider if Miss Martland had failed in her duty of care to notify and/or notify at the earliest opportunity these disclosures to the Designated Safeguarding Lead. The Panel took account of Part 2 of the Teachers’ Standards, which sets out that teachers have a duty of care towards pupils. The Panel also noted that the School’s safeguarding policies made clear how disclosures from pupils should be handled. The Panel considered that Miss Martland knew or reasonably ought to have known that she had a duty to act in accordance with the Teachers’ Standards and the School’s policies and that by not notifying the School’s Designated Safeguarding Lead at the earliest opportunity, Miss Martland had breached that duty.

Allegation 2 is proved in its entirety.

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

Having found 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 Miss Martland, in relation to the facts found proved, involved breaches of the Teachers' Standards. The Panel considered that, by reference to Part 2, Miss Martland 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;
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law;
- 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 Miss Martland amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The Panel also considered whether Miss Martland's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The Panel had particular regard to whether the conduct amounted to controlling or coercive behaviour. Whilst the Panel had concerns about the power imbalance in the relationship between Miss Martland and Pupil A, there was insufficient evidence to support a determination of controlling or coercive behaviour. Therefore, the Panel found that none of these offences were relevant.

Accordingly, the Panel was satisfied that Miss Martland 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 Miss Martland's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 2 proved, the Panel further found that Miss Martland's 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. 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; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct within the teaching profession; 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 Miss Martland which involved breaching professional boundaries and failing to report safeguarding concerns, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of failing to safeguard pupils.

Similarly, the Panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Martland 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 Miss Martland 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 Miss Martland.

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 Miss Martland. 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- 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);
- ... or other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- actions or behaviours that...undermine...the rule of law... This would encompass deliberately allowing the exposure of pupils to such actions or behaviours,...;
- a deep-seated attitude that leads to harmful behaviour;
- collusion or concealment including:
- failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
- encouraging others to break rules;

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 Miss Martland's actions were anything but deliberate.

There was no evidence to suggest that Miss Martland was acting under duress.

The Panel was not provided with any evidence that showed Miss Martland had previously been subject to disciplinary proceedings or warnings.

Miss Martland had not engaged in this hearing and had not provided a response to the allegations. The Panel did not have the benefit of hearing directly from her.

The Panel was not provided with any evidence of character statements. However, in Witness A's evidence, she told the Panel that Miss Martland had previously been a valued member of staff who went "*the extra mile*" for students, and that there had been no previous concerns.

The Panel had not been provided with any evidence that demonstrated that Miss Martland had made an exceptional contribution to the teaching profession.

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 Miss Martland 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 Miss Martland. The failure to report a number of safeguarding matters to the School's Designated Safeguarding Lead, and the fact that Pupil A was at risk, was a significant factor in forming that opinion. In addition, the Panel noted that the emails exchanged between Miss Martland and Pupil A were sent at all hours of the day and night, including during the School day, at weekend and holidays. The emails were sent over a significant timescale which demonstrated that this was not a one-off incident or a momentary lapse of judgment, which gave the Panel the impression that Miss Martland held deep-seated attitudes to [REDACTED] and alcohol consumption that do not accord with Part 2 of the Teachers' Standards.

The content of many of the emails exchanged was of an inappropriately personal nature, containing disclosures from Miss Martland to Pupil A, including sending personal photographs, one of which included a child aged under 18 years. Other emails included extensive discussion of personal issues disclosed by Pupil A, some of which indicated engagement in behaviours that were illegal, and potentially placed Pupil A at significant risk of harm. Miss Martland also gave Pupil A relationship advice and expressed other personal views, that were beyond her expected remit, role and responsibilities as a subject teacher who was not Pupil A's form tutor or mentor, some of which caused the Panel considerable concern. The Panel was mindful that Pupil A had made safeguarding disclosures as early as March 2021, but Miss Martland failed to take the many opportunities she had to report safeguarding issues in the appropriate way. Instead, she

continued to collude in and conceal inappropriate discussions of personal issues, consistently failing to draw the exchanges back to purely academic matters, reset the relationship to one of teacher-pupil, or refer personal concerns to the appropriate school colleagues. Therefore, the Panel found that Miss Martland's behaviours indicated a lack of professional insight and self-awareness.

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 or other behaviours that would weigh in the favour of a longer review period. The Panel found that none of these were relevant in this case.

The Panel found that Miss Martland was responsible for failing to maintain professional boundaries and failing to disclose safeguarding matters appropriately. The Panel had concerns that Miss Martland had exchanged emails containing personal matters over a period of many months. This was not a one-off incident.

The Panel acknowledged that during the School's investigation, Miss Martland accepted that she should have reported the safeguarding concerns earlier. However, the Panel noted that Miss Martland had not engaged with the TRA proceedings in a meaningful way. In particular, the Panel was not provided with any evidence from Miss Martland and therefore she did not demonstrate any insight or remorse for her actions.

The Panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period. The Panel considered that in the circumstances of this case, a review period of 5 years would be appropriate and proportionate given the public interest considerations relevant in this case. In making this recommendation, the Panel bore in mind the serious nature of the safeguarding disclosures made by Pupil A to Miss Martland, and the number of opportunities she had to report the concerns to the Designated Safeguarding Lead.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Miss Laura Martland should be the subject of a prohibition order, with a review period of 5 years.

In particular, the panel has found that Miss Martland 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;
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law;
- 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 Miss Martland 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 Miss Martland fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include findings of failing to maintain appropriate professional boundaries with a pupil and failing to notify and/or notify at the earliest opportunity concerns about that pupil to the Designated Safeguarding Lead.

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 likely to 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 Miss Martland, 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 that “there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of failing to safeguard pupils”. 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 has set out as follows, “the Panel noted that Miss Martland had not engaged with the TRA proceedings in a meaningful way. In particular, the Panel was not provided with any evidence from Miss Martland and therefore she did not demonstrate any insight or remorse for her actions”. 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 has observed, “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 failing to report a number of safeguarding matters about a pupil who was at risk.

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 likely to 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 Miss Martland herself. The panel has commented that it “had not been provided with any evidence that demonstrated that Miss Martland had made an exceptional contribution to the teaching profession.” However, the panel also noted that in her evidence Witness A had said that “Miss Martland had previously been a valued member of staff who went “*the extra mile*” for students, and that there had been no previous concerns”.

A prohibition order would prevent Miss Martland from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse, and the failure in the teacher’s duty of care. The panel has said, “Miss Martland failed to take the many opportunities she had to report safeguarding issues in the appropriate way. Instead, she continued to collude in and conceal inappropriate discussions of personal issues, consistently failing to draw the exchanges back to purely academic matters, reset the relationship to one of teacher-pupil, or refer personal concerns to the appropriate school colleagues. Therefore, the Panel found that Miss Martland’s behaviours indicated a lack of professional insight and self-awareness.”

I have also placed considerable weight on the findings of the panel about the duration and content of the email exchanges between Miss Martland and Pupil A. The panel has noted that the emails were exchanged “at all hours of the day and night, including during the School day, at weekend and holidays ... over a significant timescale which demonstrated that this was not a one-off incident or a momentary lapse of judgment”. The panel has commented that it was given “the impression that Miss Martland held deep-seated attitudes to [REDACTED] and alcohol consumption that do not accord with Part 2 of the Teachers’ Standards”. It has also noted that many of the emails were of “an inappropriately personal nature” and some emails “included extensive discussion of personal issues disclosed by Pupil A, some of which indicated engagement in behaviours that were illegal, and potentially placed Pupil A at significant risk of harm”.

I have given less weight in my consideration of sanction therefore, to the contribution that Miss Martland 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 insight and remorse, 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 a 5-year review period.

I have considered the panel's comments "Miss Martland was responsible for failing to maintain professional boundaries and failing to disclose safeguarding matters appropriately. The Panel had concerns that Miss Martland had exchanged emails containing personal matters over a period of many months. This was not a one-off incident." The panel has said that a 5-year review period "would be appropriate and proportionate given the public interest considerations relevant in this case" bearing in mind "the serious nature of the safeguarding disclosures made by Pupil A to Miss Martland, and the number of opportunities she had to report the concerns".

I have considered whether a 5-year 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 a shorter review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious breach of professional boundaries and failure to report safeguarding concerns, and the lack of evidence of either insight or remorse.

I consider therefore that a 5-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Miss Laura Martland is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 25 January 2029, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Miss Martland remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

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

A handwritten signature in black ink, appearing to read 'D Oatley', written in a cursive style.

Decision maker: David Oatley

Date: 19 January 2024

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