



Teaching
Regulation
Agency

Mr Mark Blackie: Professional conduct panel outcome

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

March 2024

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

Teacher: Mr Mark Blackie

Teacher ref number: 0853440

Teacher date of birth: 27 March 1989

TRA reference: 19954

Date of determination: 7 March 2024

Former employer: Graham School, Scarborough

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 7 March 2024 by way of a virtual hearing, to consider the case of Mr Mark Blackie.

The panel members were Dr Nicholas Catterall (lay panellist – in the chair), Mrs Joanne Arscott (teacher panellist) and Mrs Georgina Bean (teacher panellist).

The legal adviser to the panel was Mr Nicholas West of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Andrew Barnfield instructed by Capsticks LLP solicitors.

Mr Blackie was not present and was not represented.

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 20 December 2023.

It was alleged that Mr Blackie was guilty of having been convicted of a relevant offence, in that:

1. On the 31 January 2022 at York Crown Court, he was convicted of:
 - a) 7 counts of sexual assault on a female;
 - b) 1 count of sexual assault on a female aged 13 or over by penetration with part of body/a thing;
 - c) 1 count of causing/ inciting a girl aged 13 to 15 to engage in sexual activity – offender aged 18 or over – by penetration;
 - d) 1 count of attempted rape of a girl 13/14/15 years of age.

Mr Blackie denied allegations 1(a), 1(b), 1(c) and 1(d), as set out in the response to the notice of referral, signed by Mr Blackie on the 4 August 2023, and as set out in the response to notice of hearing, signed by Mr Blackie on the 29 December 2023.

Preliminary applications

Application to proceed in the absence of the teacher

Mr Blackie was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Blackie.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Blackie in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures').

The panel concluded that Mr Blackie's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Blackie had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing.

There was no medical evidence before the panel that Mr Blackie was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Blackie was neither present nor represented.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 2 and 3
- Section 2: Notice of proceedings and response – pages 4 to 18
- Section 3: TRA Documents – pages 19 to 25
- Section 4: Teacher documents – pages 26 to 31.

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

Witnesses

No witnesses were called to give oral evidence at the hearing.

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 the 13 April 2021, the TRA received a referral from North Yorkshire Police in relation to Mr Blackie.

On the 31 January 2022, Mr Blackie was convicted at York Crown Court of 10 counts of sexual offences.

On the 9 February 2022, Mr Blackie was sentenced at York Crown Court to 10 years' imprisonment and a sexual harm prevention order for a period of 10 years.

On the 8 June 2023, a decision maker considered the allegation that Mr Blackie had been convicted of a relevant offence and referred the case to a professional conduct panel.

On the 21 June 2023 a notice of referral was sent to Mr Blackie.

On the 15 November 2023, the TRA's case was disclosed to Mr Blackie.

Findings of fact

The findings of fact are as follows:

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

1. On the 31 January 2022 at York Crown Court, you were convicted of:

- a) 7 counts of sexual assault on a female;**
- b) 1 count of sexual assault on a female aged 13 or over by penetration with part of body/a thing;**
- c) 1 count of causing/ inciting a girl aged 13 to 15 to engage in sexual activity – offender aged 18 or over – by penetration;**
- d) 1 count of attempted rape of a girl 13/14/15 years of age.**

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel was provided with a conviction certificate from York Crown Court, which detailed that, on 31 January 2022, Mr Blackie had been convicted of 7 counts of assault on a female; 1 count of assault on a female aged 13 or over by penetration with part of body/a thing; 1 count of causing/inciting a girl aged 13 to 15 to engage in sexual activity, offender aged 18 or over, by penetration; and 1 count of attempted rape of a girl 13/14/15 years of age (as outlined in allegations 1(a) to (d)).

Mr Blackie was sentenced to 10 years' imprisonment; a sexual harm prevention order for a period of 10 years and ordered to pay a victim surcharge of £170.

The panel noted Mr Blackie's written representations which stated that he is appealing his convictions, but the panel had no evidence relating to the appeal to consider.

The panel found allegations 1(a) to 1(d) proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the allegation amounted to a conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Blackie, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Blackie 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
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that Mr Blackie's actions were relevant to teaching, working with children and/or working in an education setting. From the evidence available, the panel concluded that [REDACTED].

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and security of pupils and members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Blackie's behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His

conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children.

This was a case concerning offences involving sexual activity / sexual communication with a child/ controlling and coercive behaviour, which the Advice states is more likely to be considered a relevant offence. The panel noted that Mr Blackie's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed. The child protection and public protection issues engaged by Mr Blackie's actions were demonstrated by the sentences imposed.

The panel considered the sentencing remarks submitted as part of the bundle, [REDACTED].

The panel took account of Mr Blackie's written representations but did not consider that there were any mitigating circumstances.

The panel found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Blackie's ongoing suitability to teach given the nature of the convictions and the fact that some of the victims were children. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order 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 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 Mr Blackie, which involved being convicted of a relevant offence in that he was convicted of 7 counts of sexual assault on a female; 1 count of sexual assault on a female aged 13 or over by penetration with part of body/a thing; 1 count of causing/inciting a girl aged 13 to 15 to engage in sexual activity, offender aged 18 or over, by penetration and 1 count of attempted rape of a girl 13/14/15 years of age, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns, as was clearly recognised by the court when imposing sentence.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Blackie 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 Blackie 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 Blackie. 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 Blackie. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- 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);
- 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;
- violation of the rights of pupils;
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law and individual liberty; and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

The panel noted the sentencing remarks in respect of the behaviours relevant to this matter. [REDACED]. The panel considered this increased the seriousness of Mr Blackie's offences as it involved the coercion of another person to act in a way contrary to their own interests.

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.

The panel found that Mr Blackie's actions were deliberate.

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

There was no evidence that Mr Blackie had demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

The panel considered the written representations of Mr Blackie but concluded that he had shown very limited insight into his actions and had not shown any remorse.

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 Blackie 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 Blackie. The panel considered that all of the public interest consideration examples at paragraph 37 of the Advice and the grave seriousness of the offences were very relevant in this matter and this was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, [REDACTED] and any sexual misconduct involving a child. The panel found that Mr Blackie was convicted of relevant offences in that he was convicted of 7 counts of sexual assault on a female; 1 count of sexual assault on a female aged 13 or over by penetration with part of body/a thing; 1 count of causing/inciting a girl aged 13 to 15 to engage in sexual activity, offender aged 18 or over, by penetration and 1 count of attempted rape of a girl 13/14/15 years of age. The panel therefore concluded that the very serious nature of Mr Blackie's offences meant it was likely that the public interest will have greater relevance and weight in favour of not offering a review period.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found none of these behaviours to be relevant.

The panel also took into consideration the written representations submitted by Mr Blackie which stated *"I would like to be struck off from the profession. I have no desire to ever return to such an unsafe career for the rest of my natural life. I will never teach again."*

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Blackie 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
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- 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 Blackie fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include sexual offences involving children.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Blackie, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Blackie, which involved being convicted of a relevant offence in that he was convicted of 7 counts of sexual assault on a female; 1 count of sexual assault on a female aged 13 or over by penetration with part of body/a thing; 1 count of causing/inciting a girl aged 13 to 15 to engage in sexual activity, offender aged 18 or over, by penetration and 1 count of attempted rape of a girl 13/14/15 years of age, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns, as was clearly recognised by the court when imposing sentence." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered the written representations of Mr Blackie but concluded that he had shown very limited insight into his actions and had not shown any remorse." In my judgement, the lack of full insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Blackie's behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children." I am particularly mindful of the serious offences involving children in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a

failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Blackie himself and the panel comment “There was no evidence that Mr Blackie had demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments “The panel found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Blackie’s ongoing suitability to teach given the nature of the convictions and the fact that some of the victims were children. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.”

I have also placed considerable weight on the finding of the panel that “The panel noted the sentencing remarks in respect of the behaviours relevant to this matter.

[REDACTED]. The panel considered this increased the seriousness of Mr Blackie’s offences as it involved the coercion of another person to act in a way contrary to their own interests.”

This was a case concerning offences involving sexual activity/sexual communication with a child, which was found to be a relevant offence. I have also taken account of the following “The panel noted that Mr Blackie’s behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed. The child protection and public protection issues engaged by Mr Blackie’s actions were demonstrated by the sentences imposed.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Blackie 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 full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, [REDACTED] and any sexual misconduct involving a child. The panel found that Mr Blackie was convicted of relevant offences in that he was convicted of 7 counts of sexual assault on a female; 1 count of sexual assault on a female aged 13 or over by penetration with part of body/a thing; 1 count of causing/inciting a girl aged 13 to 15 to engage in sexual activity, offender aged 18 or over, by penetration and 1 count of attempted rape of a girl 13/14/15 years of age. The panel therefore concluded that the very serious nature of Mr Blackie's offences meant it was likely that the public interest will have greater relevance and weight in favour of not offering a review period."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the findings involving children and the lack of full insight and 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 Mark Blackie 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 Blackie shall not be entitled to apply for restoration of his eligibility to teach.

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

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



Decision maker: Sarah Buxcey

Date: 15 March 2024

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