



Teaching
Regulation
Agency

Mr Andrew Boreland: Professional conduct panel outcome

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

April 2024

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

Teacher:	Mr Andrew Boreland
Teacher ref number:	1882276
Teacher date of birth:	22 October 1993
TRA reference:	20285
Date of determination:	22 April 2024
Former employer:	Bishop Barrington School, Bishop Auckland

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 22 to 25 January, and 22 April 2024 by way of a virtual hearing, to consider the case of Mr Andrew Boreland.

The panel members were Mr Martyn Stephens (lay panellist – in the chair), Mrs Karen Graham (teacher panellist) and Mrs Shabana Robertson (lay panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Thomas Sherrington of St Johns' Buildings on 22 to 25 January 2024. On 22 April 2024 the presenting officer for the TRA was Leah Redden of Browne Jacobson.

Mr Boreland was present and was not represented on 22 to 25 January 2024. Mr Boreland was not present and was not represented on 22 April 2024.

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 25 October 2023.

It was alleged that Mr Boreland was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that prior to his employment and/or whilst employed as a teacher at the Bishop Barrington School ('the School') between January 2021 and August 2021:

- 1) He engaged in an inappropriate relationship with Individual A, a person who was aged [REDACTED] and attended the same church at which he held the role of Youth Leader;
- 2) His behaviour as may be found proven at allegation 1 was sexually motivated;
- 3) He failed to disclose to the School:
 - a) His relationship with Individual A;
 - b) That he had been the subject of a Disclosure and Barring Service ('DBS') referral;
- 4) His conduct as may be found proven at allegation 3 above lacked integrity and/or was dishonest.

During the hearing Mr Boreland made a partial admission in respect of allegation 1 in that he admitted he engaged in a relationship with Individual A but denied his relationship with Individual A was inappropriate, admitted allegation 2, made a partial admission in respect of allegations 3 (a) and (b) in that he admitted he did not make the disclosures but did not accept he "failed" to do so, and denied allegation 4.

Mr Boreland denied that his conduct as admitted in respect of allegations 1, 2, 3 (a) and (b) amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application made on 23 January 2024

Application to admit additional documents

The panel considered a preliminary application from the teacher for the admission of additional documents.

The teacher's documents were:

- Witness statement of Mr Boreland – the teacher
- Witness statement of Witness D – [REDACTED]

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures'). Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer in respect of the application. The presenting officer did not have an objection to the application.

The panel considered the additional documents were relevant and should be admitted in the interests of a fair hearing. Accordingly, the documents were admitted and added to the bundle.

Applications made on 22 April 2024

Application to proceed in the absence of the teacher

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

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 Boreland in accordance with the requirements of paragraph 5.55 of the 2020 Procedures. The panel was further satisfied that Mr Boreland was aware of the date upon which the hearing was reconvening.

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

The panel noted that Mr Boreland had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at the reconvened hearing. There was no medical evidence before the panel that Mr Boreland was unfit to attend the reconvened hearing. The panel considered that it was in the public interest for the reconvened hearing to proceed.

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

Application to admit additional documents

The panel considered the admission of an additional document on behalf of Mr Boreland. The teacher's document was a character reference from Witness D.

The document subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the document should be admitted under paragraph 5.34 of the 2020 Procedures.

The presenting officer did not object to the admission of the document. The panel considered the additional document was relevant and should be admitted in the interests of a fair hearing. Accordingly, the document was added to the bundle.

Summary of evidence

Documents

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

- Section 1: Notice of proceedings and response – pages 5 to 16
- Section 2: TRA witness statements – pages 18 to 82
- Section 3: TRA documents – pages 84 to 182
- Section 4: Teacher documents – pages 184 to 260

In addition, the panel agreed to accept the following:

- Witness statement of Mr Boreland
- Witness statement of Witness D

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

Witnesses

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

Witness A – [REDACTED]

- Witness B – [REDACTED]
- Witness C – [REDACTED]

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

- Witness D

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Boreland was a teacher at the School from January 2021 until he was dismissed on 26 August 2021.

On Friday 2 July 2021, Witness C, [REDACTED] disclosed a safeguarding concern to Witness B, [REDACTED]. The disclosure referred to information which had allegedly been passed to the [REDACTED] by a former employee, who reported that there had been a safeguarding concern regarding Mr Boreland, at a time when he had been offered employment at [REDACTED]; the offer of this employment was subsequently withdrawn due to this safeguarding concern.

[REDACTED] informed the [REDACTED] that the concern had been referred to the Sunderland LADO. On 2 July 2021, the [REDACTED] was advised by Durham LADO and Durham's Lead Education Safeguarding and Vulnerable Groups to contact the Sunderland LADO, which [REDACTED] did immediately on the same day.

A referral was made to the Durham LADO on 6 July 2021 and an evaluation meeting was held by the Durham LADO on 12 July 2021.

The Sunderland LADO submitted a statement to the School's DSL on 6 July 2021, confirming that a substantiated allegation was made against Mr Boreland citing a relationship he was in with a [REDACTED] ('Individual A'). The Sunderland LADO reported that Mr Boreland was referred to them on 28 September 2020 following a child concern notification being submitted by Northumbria Police after Individual A was reported missing by [REDACTED] parents.

Individual A was located at the home of Mr Boreland and advised [REDACTED] had informed [REDACTED] parents of [REDACTED] intention to visit him after school; however, [REDACTED] mother had forgotten this. The police reported that Individual A was in a relationship with Mr Boreland whom [REDACTED] had met as he was the Youth Leader for the Church [REDACTED] attended with [REDACTED] family and had been a member of the youth congregation since [REDACTED] was [REDACTED] years of age.

Contact was made by Sunderland Contact and Referral Team with Individual A's parents who confirmed they were aware of this relationship. The police were consulted, who

advised that no offence had been committed as religious youth leaders fell outside of the remit of a position of trust, and as Individual A was above the age of consent, this was not a criminal matter.

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) You engaged in an inappropriate relationship with Individual A, a person who was aged [REDACTED] and attended the same church at which you held the role of Youth Leader;**

The panel noted that Mr Boreland admitted that he engaged in a relationship with Individual A, a child who was aged [REDACTED] and attended the Church at which he held the role of Senior Youth Leader. The panel noted the only part of the allegation in dispute was whether the relationship was inappropriate.

The panel noted from the evidence that Mr Boreland's romantic relationship with Individual A started when [REDACTED] was [REDACTED] years old and a member of his Church and regularly attended the youth group. At the time, Mr Boreland was 26 years old, held the position of a Senior Youth Leader at the Church and was undertaking his teacher training.

The panel noted Mr Boreland's statement and oral evidence that he met regularly with Individual A on a one to one basis from March 2020 when lockdown restrictions allowed and messaged [REDACTED] privately.

[REDACTED]

The panel noted that Mr Boreland was aware of the vulnerability of Individual A and [REDACTED] young age. The panel further noted he had completed safeguarding training in his capacity as a trainee teacher and Senior Youth Leader. Despite this he decided to pursue a romantic relationship with Individual A.

The panel noted the oral evidence of Witness D, who stated that the role of Senior Youth Leader was a position of authority within the Church, and it was a serious breach of the Church's Safeguarding Child Protection Policy for Mr Boreland to be in a relationship with Individual A while a Senior Youth Leader.

The panel further noted Witness D's evidence on the nature of the role of a Senior Youth Leader, and how it involved responsibility for teaching children of the Church about scripture, including the selection of texts, and pastoral responsibilities.

During Mr Boreland's oral evidence he sought to distinguish between the safeguarding duties of a Senior Youth Leader and that of a teacher.

The panel considered the evidence and concluded that the role of the Senior Youth Leader gave Mr Boreland influence over its youth members, including Individual A, and the nature of the role placed him in a position to exercise authority, power, and control over them. The panel noted from the evidence of Witness D that, in his role as a Senior Youth Worker, Mr Boreland was responsible for setting the tone and content of religious teachings and providing spiritual guidance to children. The panel concluded in this case, the role gave Mr Boreland greater freedoms over the content of his teaching in comparison to a teacher, which they considered introduced risk in the absence of regulation.

The panel noted the evidence that Mr Boreland checked if a romantic relationship with Individual A would be a criminal offence. The panel further noted that Mr Boreland did not disclose his relationship with Individual A to his family, the elders of the Church, or the School. The panel considered that this behaviour, and the lack of transparency, demonstrated that Mr Boreland considered his relationship with Individual A was inappropriate.

The panel noted the content of the Church's safeguarding investigation report and appended notes prepared by Individual B, [REDACTED] at the Church, in October 2020 ('the Report'). The Report formed part of the documentation submitted by Mr Boreland for the panel's consideration. The panel noted that the Report was prepared contemporaneously. Mr Boreland confirmed in his evidence that he accepted the content of the Report but did not recall seeing the appended notes when the report was prepared and finalised in 2020. The panel found the Report to be reliable evidence.

The panel noted the content of the Report's file note of a telephone conversation between Individual B and Mr Boreland on 29 September 2020. Mr Boreland is recorded as admitting that his relationship with Individual A was not appropriate because of his position as Senior Youth Leader.

The panel considered the file note of an investigation interview with Mr Boreland on 30 September 2020 which confirms that Mr Boreland had initially suggested to Individual A that they defer a relationship until [REDACTED] was [REDACTED] years old, which was consistent with Mr Boreland's oral evidence. The note also records Mr Boreland stating that it would be inappropriate to continue the relationship with Individual A due to his former role as Senior Youth Leader and his occupation as a teacher. He also acknowledged in the meeting that the relationship was in breach of the Church's Safeguarding Policy.

The panel considered Mr Boreland's responses to questions from Individual B on 9 October 2020 as part of the Church's investigation, including that he thought that

stepping down as Senior Youth Leader would put a lot of pressure on their developing relationship, he did not tell his family about the relationship as he knew there would be consequences, and he volunteered to Individual B that he was dishonest by keeping the relationship going while continuing as Senior Youth Leader.

The panel noted that the Report contains a file note of a meeting between Individual B and Individual A's parents on 10 October 2020, the note records Individual A's parents stating that they did not wish for the relationship to continue, they wanted Mr Boreland to comply with Church policy and did not want Mr Boreland to have unsupervised contact with Individual A. In his oral evidence, Mr Boreland stated that Individual A's parents were comfortable with the relationship, and Individual B may have been mistaken when making the note or Individual A's parents changed their minds shortly after the meeting.

The panel noted the documentary evidence in the bundle, including communications with Sunderland and Durham LADO. The panel noted the content of an email from Individual C, [REDACTED], highlighting the potential harm to Individual A and to all young people Mr Boreland had professional contact with. The panel considered the evidence and concluded that Sunderland and Durham LADO had concerns about the potential risk of harm to Individual A and to pupils if Mr Boreland were to continue teaching.

The panel understands from the evidence of Mr Boreland and Witness D that the relationship continued following Mr Boreland's resignation from his role as Senior Youth Leader.

The panel noted the witness statement and oral evidence of Witness A. Witness A explained that the Sunderland LADO submitted a statement on 6 July in which they outlined that Mr Boreland had been referred in September 2020 following a child concern notification being submitted. Individual A, a [REDACTED], was reported to the police as missing by [REDACTED] parents. Individual A was found to be at Mr Boreland's home as the two were in a relationship.

The panel noted Witness A's evidence that the police were also consulted, though they advised that as youth leaders did not fall within the remit of a position of trust, no offence had taken place.

Witness A explained that Mr Boreland was suspended from his position at the school and Witness A was appointed to investigate the matter. During the interview, Witness A submitted that Mr Boreland questioned why his relationship with Individual A was inappropriate and the relevance of the same to the School. Witness A believed that it was evident that Mr Boreland did not see any issue with the relationship. Witness A stated that Mr Boreland was very "*matter of fact throughout the interview*", contesting the fact that the relationship was inappropriate, and he could not see how this could be perceived as a breach of teacher standards or of the School's code of conduct.

The panel noted the content of Mr Boreland's School interview notes where he admits his relationship with Individual A demonstrates a lack of professional judgment, and states it was a mistake.

The panel concluded based on the evidence that Mr Boreland's relationship with Individual A was inappropriate.

The panel found allegation 1 proven.

2) Your behaviour as may be found proven at allegation 1 was sexually motivated;

The panel noted when the allegations were first put to Mr Boreland at the outset of the hearing, he expressed a lack of understanding of the meaning of the term "sexually motivated." Following clarification of the allegation, Mr Boreland admitted that the goal of his relationship with Individual A was to get married and conjugate the marriage.

The panel noted the evidence of Mr Boreland that his relationship with Individual A began in April 2020 during the COVID lockdown and once Individual A had turned [REDACTED] years old.

The panel noted the findings of the Church's Report that romantic feelings developed between Mr Boreland and Individual A from the end of June 2020, and they kissed for the first time by mid-July, and from early September 2020 were physically intimate.

The file notes of investigation interviews conducted by Individual B with Mr Boreland and Individual A confirm that by September 2020, they kissed, cuddled, and touched intimate areas and that Mr Boreland touched Individual A inside [REDACTED] underwear, and [REDACTED] got undressed in his bedroom.

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 documents before the panel, and consideration of the wider documentary and oral evidence, the panel concluded that Mr Boreland’s conduct as set out in allegation 1 was sexually motivated. The panel was of the view that there was no other reason for this conduct. It noted that this ultimately led to a sexual relationship between Mr Boreland and Individual A. The panel therefore found that this conduct was in pursuit of a sexual relationship and/or was sexually motivated.

The panel also considered that, had the allegation been pleaded as conduct of a sexual nature, then it would be impossible to reach any other conclusion other than that the conduct was sexual, as set out in *Haris*.

The panel found allegation 2 proven.

3) You failed to disclose to the School;

a. your relationship with Individual A;

b. that you have been the subject of a Disclosure and Barring Service referral;

The panel noted that Mr Boreland admitted he did not make the disclosures to the School but denied that he had failed to do so.

The panel considered the statement and oral evidence of Mr Boreland. Mr Boreland stated that he did not consider his relationship with Individual A to be inappropriate and therefore he did not need to disclose it to the School.

Mr Boreland stated that he did not disclose the DBS referral to the School because he believed he was not under any obligation to do so. Mr Boreland criticised the School for failing to conduct a formal interview.

Mr Boreland confirmed that he had lost a previous job offer due to the school being informed by LADO that they were investigating his relationship with Individual A.

The panel noted the evidence of Witness A that when the School was informed of these matters it suspended Mr Boreland and upon completing an investigation decided to terminate Mr Boreland's employment.

The panel noted Mr Boreland's evidence that he was aware of the content of the School's Code of Conduct and understood the purpose and role of the DBS in an education setting.

The panel noted the statement and oral evidence of Witness B, [REDACTED], who stated that a teacher being in a relationship with a [REDACTED]-year-old raises safeguarding concerns and would clearly need to be disclosed to the School and was captured by the requirements to disclose under the School's Code of Conduct.

The panel considered the evidence and concluded that the relationship with Individual A, and referral to the DBS, were safeguarding issues that a teaching professional, such as Mr Boreland, should raise with the School. The panel also concluded that they fell within the scope of the matters to be reported to the School as outlined in its Code of Conduct.

The panel found allegation 3(a) and 3(b) proven.

4) Your conduct as may be found proven at allegation 3 above lacked integrity and/or was dishonest.

The panel considered whether Mr Boreland had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel considered that Mr Boreland had failed to act within the higher standards expected of a teacher by not informing the School that he was in a relationship with Individual A or that he had been subject to a DBS referral. The panel considered this disclosure to be relevant information about which he should have informed the School.

The information about the DBS referral was relevant to the School, and would be relevant at any School, because teachers are placed in a position of trust. When the School found out Mr Boreland had been subject to a DBS referral the school suspended Mr Boreland. The panel was satisfied that had the School been advised of the referral during the recruitment process he would not have been employed by the School, or if he had disclosed the matters at any time during his employment he would have been suspended.

The panel found that Mr Boreland had not acted with integrity over his failure to disclose such information. The panel considered the evidence and concluded that on balance of

probability he chose not to disclose his relationship with Individual A and/or his referral to the DBS because he knew he would lose another teaching job.

The panel considered whether Mr Boreland had acted dishonestly in relation to the proven facts of allegation 3. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Mr Boreland's knowledge or belief as to the facts.

The panel noted Mr Boreland's evidence on his state of mind at the relevant time and he stated that he did not make a disclosure as he was not directly asked to do so, he was not under a legal obligation to disclose, and it was the School's responsibility to conduct a proper interview and recruitment process. The panel noted Mr Boreland's evasiveness when answering questions on this issue and his attempt to divert responsibility on to others.

The panel considered the evidence and circumstances of the case did not support that Mr Boreland genuinely believed he was not obliged to make the disclosures. The panel concluded, on balance, that he failed to make the disclosures to retain his employment with the School, having already lost an offer of employment when another school was informed he was under investigation by the Sunderland LADO.

The panel found Mr Boreland deliberately withheld the information relating to his relationship with Individual A and the DBS referral from the School.

Given the panel's finding as to Mr Boreland's state of mind, the panel considered that his conduct, as found proven at allegation 3, had been dishonest according to the standards of ordinary decent people.

The panel found allegation 4 proven.

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 Mr Boreland, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Boreland 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession in that Mr Boreland formed an inappropriate relationship with Individual A, a vulnerable child who was a member of the Church at which he held the role of Senior Youth Leader, and was both dishonest and lacking in integrity when he chose not to disclose to the School his relationship or his referral to the DBS.

The panel noted the content of Keeping Children Safe in Education, and in particular paragraphs 2 and 3 of Part One, which clearly sets out that safeguarding and promoting the welfare of children is everyone's responsibility, and all teachers should make sure their approach is child centred and consider, at all times, what is in the best interests of the child.

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

The panel found that none of these offences were relevant.

The panel noted that the allegations took place outside the education setting in that Mr Boreland's conduct involved Individual A, who was not a pupil of Mr Boreland's or a pupil at the School. However, the panel considered that Mr Boreland's conduct touched upon his profession as a teacher, given that the age of Individual A was similar to pupils that he was teaching or could teach in the future.

Accordingly, the panel was satisfied that Mr Boreland 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 panel considered that the public would not expect, and would be deeply concerned by, a teacher being engaged in a relationship with a child of [REDACTED] years old. The panel also noted that the Teacher would be working with children of a similar age in the future. In addition, Individual A was particularly vulnerable, and the relationship was forged when Mr Boreland held the position of Senior Youth Leader at the Church Individual A attended.

The panel considered it would be likely that public trust in the teaching profession would be weakened if members of the public were aware of the proven facts.

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 Boreland's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1, 2, 3(a), 3(b) and 4 proved, the panel further found that Mr Boreland'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.

The panel were 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 Boreland, which involved him engaging in an inappropriate relationship with a vulnerable child outside the education setting and failing to disclose the relationship and a DBS referral to the School, there was a strong public interest consideration in respect of the protection of pupils.

The panel considered that Mr Boreland's behaviours spanned a considerable period. The conduct entailed the pursuit of a sexual relationship with a child, the deliberate concealment of that relationship from his family, the Church elders, and the School, and the associated failures to disclose to the School. In the circumstances, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Boreland 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 Boreland 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 Boreland. 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 Boreland. 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature;
- 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);

- dishonesty or a lack of integrity, including the deliberate concealment of their actions; and
- concealment including concealing inappropriate actions.

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 noted Mr Boreland had not provided any new evidence on mitigation, insight or remorse for the panel to consider at the reconvened hearing.

The panel considered Mr Boreland's witness statement admitted during the hearing in January 2024, to discern any points raised in mitigation. The panel noted that Mr Boreland stated that his relationship with Individual A continues, he treats [REDACTED] with "*respect and dignity*" and "*admits it was unwise to commence the relationship while a Senior Youth Leader.*" The panel noted that it had not heard evidence from Individual A to test the characterisation of the relationship.

The panel noted Mr Boreland's reluctance to accept any responsibility for his conduct, and his failure to recognise his professional obligations as a teacher in terms of his relationship with Individual A or his obligations to report it and/or the DBS referral to the School.

The panel noted there was no evidence that Mr Boreland's actions were not deliberate, and there was no evidence to suggest that Mr Boreland was acting under extreme duress.

No evidence was submitted which attested to Mr Boreland's history or ability as a teacher. The panel recognised that as Mr Boreland was a newly qualified teacher, he would not have had the opportunity to demonstrate exceptionally high standards in his professional conduct or to contribute significantly to the education sector.

The panel considered the character reference from Witness D, submitted on behalf of Mr Boreland. The panel noted Witness D's comments in relation to Mr Boreland's strength of character as a teenager when faced with relocating from Northern Ireland to Sunderland and that Mr Boreland remained in a long-term relationship with Individual A and the Church benefited from the "*couple's complimentary gifts*". The panel considered that the reference did not contain any relevant mitigation.

The panel considered documents, submitted on Mr Boreland's behalf, from Individual D and Individual E and Individual F, both of which purport to be prepared in support of him, but neither were prepared by the authors for the purpose of these proceedings. The panel noted but did not attach significant weight to these documents.

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 Boreland 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 Boreland. The panel's findings that Mr Boreland had entered into a sexual relationship with a child, in breach of Church policy, and that he hid the relationship were significant factors 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, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Boreland was responsible for engaging in an inappropriate relationship with Individual A, a vulnerable child, which was sexually motivated. This was a relationship which had the potential to cause harm to Individual A.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours include serious dishonesty. The panel found that Mr Boreland was dishonest by not disclosing the relationship or the DBS referral to the School and considered this an act of serious dishonesty.

The panel considered Mr Boreland posed a continuing risk of harm because of his attitude during the proceedings in that he did not accept that a teacher being in a sexual relationship with a child who was a similar age to pupils he would be expected to teach was inappropriate. Further, he did not accept any responsibility for failing to report the relationship or DBS referral to the School. The panel considered Mr Boreland had not demonstrated any insight or remorse for his behaviour.

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

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

In particular, the panel has found that Mr Boreland 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Boreland involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education.

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

The findings of misconduct are particularly serious as they include sexually motivated behaviour towards a vulnerable child and dishonesty.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Boreland, 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, "In the light of the panel's findings against Mr Boreland, which involved him engaging in an inappropriate relationship with a vulnerable child outside the education setting and failing to disclose the relationship and a DBS referral to the School, there was a strong public interest consideration in respect of the protection of 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 sets out as follows, "The panel noted Mr Boreland's reluctance to accept any responsibility for his conduct, and his failure to recognise his professional obligations as a teacher in terms of his relationship with Individual A or his obligations to report it and/or the DBS referral to the School." In my judgement, the lack of insight demonstrated by Mr Boreland 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 considered that the public would not expect, and would be deeply concerned by, a teacher being engaged in a relationship with a child of [REDACTED] years old. The panel also noted that the Teacher would be working with children of a similar age in the future. In addition, Individual A was particularly vulnerable, and the relationship was forged when Mr Boreland held the position of Senior Youth Leader at the Church Individual A attended." I am particularly mindful of the finding of sexually motivated behaviour towards a vulnerable child in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct 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 Mr Boreland himself. The panel records that it was presented with evidence attesting to Mr Boreland's character but goes on to conclude that it "... considered that the reference did not contain any relevant mitigation". The panel also notes that no evidence was submitted to it attesting to Mr Boreland's history or ability as a teacher.

A prohibition order would prevent Mr Boreland 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 seriousness nature of the misconduct found, which includes sexually motivated behaviour towards a child and dishonesty, as well as the lack of evidence of insight or remorse.

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

In doing so the panel has referenced 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, such as 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 his professional position to influence or exploit a person or persons and any sexual misconduct involving a child.

In addition, the panel notes that the Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours include serious dishonesty.

I have considered the panel's comments, "The panel considered Mr Boreland posed a continuing risk of harm because of his attitude during the proceedings in that he did not

accept that a teacher being in a sexual relationship with a child who was a similar age to pupils he would be expected to teach was inappropriate. Further, he did not accept any responsibility for failing to report the relationship or DBS referral to the School. The panel considered Mr Boreland had not demonstrated any insight or remorse for his behaviour.”

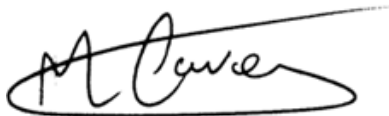
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found and 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 Andrew Boreland 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 Boreland 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 Boreland 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.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval.

Decision maker: Marc Cavey

Date: 25 April 2024

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