



Teaching
Regulation
Agency

Mr Mark Baird: Professional conduct panel meeting outcome

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

April 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	11
Decision and reasons on behalf of the Secretary of State	14

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

Teacher:	Mr Mark Baird
Teacher ref number:	1140571
Teacher date of birth:	11 October 1987
TRA reference:	21013
Date of determination:	22 April 2024
Former employer:	Bilton Secondary School, Rugby

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 22 April 2024 to consider the case of Mr Mark Baird.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Peter Ward (lay panellist) and Mrs Christine McLintock (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Baird that the allegations be considered without a hearing. Mr Baird provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Laura Short of Capsticks Solicitors LLP, or Mr Baird.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 11 April 2024.

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

1. While employed as a teacher at School A, on or around 26 January 2022, he attempted to attend School A whilst under the influence of alcohol;
2. Between around June and September 2022, he caused or allowed misleading and/or inaccurate information to be provided to School B in the course of employment at School B in that he did not:
 - a. disclose that he had been dismissed from School A;
 - b. provided a reference which purported to be from a referee currently employed at School A when they were not so employed;
3. His conduct at any or all of 2.a. and/or 2.b. was dishonest in that he:
 - a. knew that he had been dismissed from School A;
 - b. attempted to conceal his dismissal from School A from School B.

Subject to the amendment referred to below, Mr Baird admitted the facts alleged and admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

The panel noted that there was a typographical error contained within the notice of meeting and that allegation 2. ought to have read:

“2. Between around June and September 2022, you caused or allowed misleading and/or inaccurate information to be provided to School B in the course of applying for employment at School B in that you:

- a. Did not disclose that you had been dismissed from School A;*
- b. Provided a reference which purported to be from a referee currently employed at School A, when they were not so employed.”*

The panel noted that this amended allegation matched the one included within the Statement of Agreed Facts to which Mr Baird admitted. The panel therefore considered that the amendment caused no prejudice to Mr Baird. His case would not have been presented differently had the error in the notice of meeting been noticed at an earlier stage and an amended notice of meeting served. The panel therefore amended allegation 2. as in italics above.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 4 to 6

Section 2: Notice of referral, response and notice of meeting – pages 7 to 22

Section 3: Statement of agreed facts and presenting officer representations – pages 23 to 29

Section 4: Teaching Regulation Agency documents – pages 30 to 197

Section 5: Teacher documents – pages 198 to 199

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Baird on 6 October 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Baird for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Baird was employed as a teacher at [REDACTED] (“School A”), [REDACTED] from 1 September 2017 until 14 February 2022. On 26 January 2022, an incident occurred. On 1 February 2022, Mr Baird was suspended pending an internal investigation by School A. On 10 February 2022, a disciplinary meeting was held and Mr Baird was summarily dismissed on 14 February 2022. On 29 July 2022, the TRA received a referral from [REDACTED].

In June 2022, Mr Baird applied for a teaching position at [REDACTED] (“School B”) part of [REDACTED] and commenced employment there on 1 September 2022. School B was not aware of Mr Baird’s dismissal from School A until they were contacted by the presenting officer’s firm as part of the TRA’s investigation in November 2022. On 16

December 2022, Mr Baird's employment at School B was terminated in his probationary period.

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. While employed as a teacher at School A, on or around 26 January 2022, you attempted to attend School A whilst under the influence of alcohol;

- In the statement of agreed facts, Mr Baird admitted that on 26 January 2022 whilst Mr Baird was walking to School A, he collapsed and was attended by paramedics who found him to be under the influence of alcohol. Whilst Mr Baird was on his way to the School at the time of the incident, he did not actually attend the School on that day nor did he teach any pupils. Mr Baird admitted that on or around 26 January 2022, he attempted to attend School A whilst under the influence of alcohol.
- [REDACTED]
- On 1 February 2022, during a meeting convened as part of the School's investigation, Mr Baird admitted to intending to attend work at School A under the influence of alcohol on 26 January 2022.

The panel found this allegation proven.

2. Between around June and September 2022, you caused or allowed misleading and/or inaccurate information to be provided to School B in the course of employment at School B in that you:

a. did not disclose that you had been dismissed from School A;

- In the statement of agreed facts, Mr Baird admitted allegation 2.a. in its entirety.
- In the statement of agreed facts, Mr Baird admitted that on his application form to School B, the reason he gave for leaving School A was stated as "left due to [REDACTED] concerns (now resolved)". He admitted that he made no reference on the application form to having been dismissed from School A or that he was subject to disciplinary proceedings at School A.
- Mr Baird accepted that he was aware of the disciplinary investigation at School A concerning his allegation conduct as referred to in Allegation 1, as he attended a meeting about the concerns on 1 February 2022 and the subsequent disciplinary meeting on 10 February 2022. He confirmed that he had been made aware of the

outcome, that being dismissal, and the reasons for this by letter from School A dated 15 February 2022.

- Mr Baird admitted that discussions took place with him as part of his recruitment to School B where he reiterated that he left School A due to his [REDACTED] and did not mention his dismissal or the disciplinary allegations he had faced. He accepted that School B has confirmed that they would have expected Mr Baird to have disclosed this.
- Mr Baird also admitted that School B was unaware that he had been dismissed from his role at School A until they received correspondence from the presenting officer's firm in November 2022 as part of the TRA's investigation.
- The panel has seen the outcome of the disciplinary investigation of School A notified to Mr Baird in a letter of 15 February 2022. He was therefore aware that he had been summarily dismissed from School A.
- The panel has also seen his application form which stated the reason for leaving as "left due to [REDACTED] concerns (now resolved)". The panel was therefore satisfied that the information provided by Mr Baird was inaccurate or misleading and that Mr Baird had not disclosed that he had been dismissed from School A. The panel has also seen an email from [REDACTED] confirming that it had not been aware that Mr Baird had been dismissed from his role at School A until receipt of correspondence from the presenting officer's firm on 15 November 2022.

The panel found this allegation proven.

3. Your conduct at any or all of 2.a. and/or 2.b. was dishonest in that you:

a. knew that you had been dismissed from School A;

b. attempted to conceal your dismissal from School A from School B.

- The panel considered this question only in relation to Mr Baird's conduct found proven at 2.a., having found the conduct at 2.b. not proven, as set out below.
- In the statement of agreed facts, Mr Baird admitted that his conduct at 2.a was dishonest in that he knew he had been dismissed from School A. He also accepted that his conduct in referring to [REDACTED] being his reasons for leaving School A was an attempt to conceal from School B that he had been dismissed by School A.
- The panel considered that Mr Baird had sought to conceal his dismissal from School A when he applied to School B in the knowledge that he had been dismissed. The panel considered that the ordinary honest person would consider this to be dishonest. An email from School B confirmed that Mr Baird had an opportunity to tell the truth at interview. Instead Mr Baird chose to continue his lie saying that he left his last place of employment due to [REDACTED] reasons, that he took some time out and that those concerns had since been resolved.

Furthermore, Mr Baird sought to continue to hide the fact of his dismissal when questioned about this by School B. The panel has seen a letter from [REDACTED] dated 21 November 2022 which stated that when Mr Baird was questioned, he claimed he had left his previous school because of unfounded allegations made against him.

The panel found this allegation proven.

The panel found the following particulars of the allegations against you not proven, for these reasons:

2. Between around June and September 2022, you caused or allowed misleading and/or inaccurate information to be provided to School B in the course of employment at School B in that you:

b. provided a reference which purported to be from a referee currently employed at School A when they were not so employed;

- In the statement of agreed facts, Mr Baird admitted allegation 2.b. in its entirety.
- In the statement of agreed facts, Mr Baird admitted that he had provided two references in support of his application to School B. He admitted that the application form stated that he was required to “list two professional reference [sic] one of whom must be your current or most recent employer”. Mr Baird admitted that he did not have a current employer since he was dismissed from School A and that he had not obtained any further employment prior to his application to School B. He admitted that he was therefore required to provide a referee who was employed at School A at the time of his application.
- The reference from Referee 2 made it clear that [REDACTED] previously worked with Mr Baird until 20 March 2021 and that [REDACTED] was not thereafter employed by the School.
- Mr Baird admitted that Referee 1 stated [REDACTED] relationship to Mr Baird as “Phase Leader, Upper Key Stage Two” and there was no reference elsewhere to Referee 1 no longer being employed at the School. Mr Baird accepted that the reference purported that Referee 1 was employed at School A at the time of the application. It was therefore implicit that she had the relevant knowledge to provide accurate information on behalf of School A, including in relation to the circumstances of Mr Baird’s departure from School A. Mr Baird admitted that Referee 1 was not then employed at School A and therefore was not able to provide an accurate reference on behalf of School A.
- Mr Baird accepted that by providing two referees, one of whom was required to be a current or more recent employer, he falsely gave the impression that Referee 1 was then currently employed by School A when [REDACTED] was not.
- The panel has seen Mr Baird’s application form which does state that he was required to list two professional references, one of whom was required to be his

“current or most recent employer.” However, it was not explicit that the referee was required to be currently employed at the school at the time of writing the reference. Furthermore, there was no evidence of Referee 1’s term of employment and the panel did not consider that it had been proven that it was more likely than not that Referee 1 was not employed at School A at the time of providing the reference. There was no independent evidence that Mr Baird knew that Referee 1 was no longer at School A, if that was the case.

The panel found this allegation not proven on the balance of probabilities.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Baird in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Baird 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, 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 was satisfied that the conduct of Mr Baird in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Baird was in breach of the safer recruitment provisions in that he undermined the due diligence process undertaken by schools when appointing those entrusted to teach their pupils.

The panel was satisfied that the conduct of Mr Baird fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Baird’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of fraud or serious dishonesty was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside the education setting. In respect of Allegation 1, Mr Baird had been on his way to School A under the influence of alcohol. It had been his intention to attend work where he would have been responsible for safeguarding the children in his care, which may have led to those pupils being exposed to harm. Allegation 2 also took place outside the education setting during his application to School B. His conduct affected the way he fulfilled his teaching role as it undermined School B's safer recruitment checks, and deprived it of the ability to properly assess whether Mr Baird should be entrusted with the care of their pupils.

The panel took account of the circumstances in which Mr Baird found himself. He has referred to the events having taken place at an extremely challenging time for him personally. He provided representations for these proceedings which refer to those circumstances [REDACTED]. The panel did not consider that these circumstances excused Mr Baird's behaviour sufficiently for it not to amount to unacceptable professional conduct. Regardless of his personal circumstances, Mr Baird ought to have been aware that he should not arrive at school under the influence of alcohol as this may place pupils at risk. Furthermore, his decision to conceal his dismissal from School A and the reason for it, was a deliberate one.

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

The panel went on to consider whether Mr Baird was guilty of conduct that may bring the profession into disrepute. The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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.

In considering the issue of disrepute, the panel also considered whether Mr Baird's displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of fraud or serious dishonesty was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

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.

The panel considered that Mr Baird's conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Mr Baird's actions constituted 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Baird and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a 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; and the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given that Mr Baird intended to attend work and teach children whilst he was under the influence of alcohol. Furthermore, his act of dishonesty undermined the purpose of safer recruitment checks.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Baird was outside that which could reasonably be tolerated.

Whilst there is evidence that Mr Baird had some ability as an educator, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Baird in the profession for the reasons referred to below.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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 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; and
- collusion or concealment including: any activity that involves knowingly substantiating another person's statements where they are known to be false; failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions; encouraging others to break rules; lying to prevent the identification of wrongdoing;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

There was evidence that Mr Baird's actions were deliberate in respect of his application to School B, and since Mr Baird intended to attend School A whilst under the influence of alcohol.

There was no evidence to suggest that Mr Baird was acting under extreme duress, eg a physical threat or significant intimidation. There were some mitigating circumstances that Mr Baird has explained and as set out in the section above. [REDACTED].

Whilst Mr Baird may have had a previously good history at the time of his conduct in allegation 1, this was not the case by the time he engaged in the conduct set out in allegation 2.a. and 3. There was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.

Mr Baird adduced no statements attesting to his good character for the purpose of this hearing. The panel noted that Mr Baird produced two references for his application to School B but could only place limited weight upon them given that neither were produced for the purpose of these proceedings, with knowledge of the allegations faced by Mr Baird.

Mr Baird has engaged with these proceedings. He apologised in February 2023 for not having responded to the presenting officer, explaining that he was “just a bit afraid of the whole process.” Thereafter, he actively sought passwords to documents he had been sent so that he could read the correspondence sent to him.

He explained in July 2023 that he did not intend to challenge the allegations, as he was unable to afford representation, he had no support around him, [REDACTED]. He stated that the “thought of reliving this horrible chapter fills me with dread and I don’t see any point as the evidence speaks for itself – I haven’t really got a leg to stand on other than to apologise profusely for bringing the profession into disrepute.” He referred to his actions as “abhorrent” and that he realised he would be prohibited from teaching saying he was “afraid I deserve no less.” Mr Baird provided some written representations stating that he had made a stupid mistake that has meant that everything he has ever worked for is “now in the bin”. He stated that he “can’t go through a panel. I’d prefer that I’m just prohibited. I’ve paid the price. I’ve lost my career. I can’t punish myself anymore.” He then extended his apologies to various individuals at School B.

Mr Baird signed the statement of agreed facts in October 2023 admitting all of the allegations against him.

The panel noted that Mr Baird had shown some insight around allegation 1. He referred to his professional life “crumbling around [him]” and [REDACTED] Nevertheless, the panel has seen no evidence as to what steps Mr Baird has taken to resolve that issue and how successful those steps have been.

Mr Baird has not demonstrated any insight as to why he acted dishonestly referring to only that he “secretly hoped it would just go away.”

As recently as March 2024, Mr Baird asked that it be made clear that he did not intend to teach again and had no involvement with young people.

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 Baird 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 Baird. Mr Baird acted dishonestly in his application, and compounded that deliberate act of dishonesty by continuing the lie at interview, accepting the post, teaching at the school and presumably receiving recompense for the period of his employment. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. These cases include fraud or serious dishonesty. The panel found that Mr Baird was responsible for serious dishonesty having accepted a position he obtained under false pretences.

However, the panel did consider that there were mitigating circumstances and Mr Baird co-operated with these proceedings. He has developed some insight as to the reasons for his actions found proven in allegation 1, although has not demonstrated the steps he has taken to successfully address the underlying issues. His insight has not been demonstrated in respect of his act of dishonesty.

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 provision for a review period after two years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (including 2 b). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Mark Baird should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Baird 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, 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 was satisfied that the conduct of Mr Baird involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are serious as they include a finding of attempting to attend school whilst under the influence of alcohol and dishonesty.

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 or 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 Mr Baird, 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, "The panel noted that the allegations took place outside the education setting. In respect of Allegation 1, Mr Baird had been on his way to School A under the influence of alcohol. It had been his intention to attend work where he would have been responsible for safeguarding the children in his care, which may have led to those pupils being exposed to harm. Allegation 2 also took place outside the education setting during his application to School B. His conduct affected the

way he fulfilled his teaching role as it undermined School B's safer recruitment checks, and deprived it of the ability to properly assess whether Mr Baird should be entrusted with the care of their 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, "He referred to his actions as "abhorrent" and that he realised he would be prohibited from teaching saying he was "afraid I deserve no less." Mr Baird provided some written representations stating that he had made a stupid mistake that has meant that everything he has ever worked for is "now in the bin". He stated that he "can't go through a panel. I'd prefer that I'm just prohibited. I've paid the price. I've lost my career. I can't punish myself anymore." He then extended his apologies to various individuals at School B." The panel has also commented that "The panel noted that Mr Baird had shown some insight around allegation 1. He referred to his professional life "crumbling around [him]" and [REDACTED] Nevertheless, the panel has seen no evidence as to what steps Mr Baird has taken to resolve that issue and how successful those steps have been." In my judgement, the lack of full insight 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 public confidence in the profession could be seriously weakened if conduct such as that found against Mr Baird were not treated with the utmost seriousness when regulating the conduct 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 or 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 Baird and the panel comment "Whilst Mr Baird may have had a previously good history at the time of his conduct in allegation 1, this was not the case by the time he engaged in the conduct set out in allegation 2.a. and 3. There was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector." A prohibition order would prevent Mr Baird 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, "There was evidence that Mr Baird's actions were deliberate in respect of his application to School B, and since Mr Baird intended to attend School A whilst under the influence of alcohol."

I have also placed considerable weight on the finding of the panel that "Whilst there is evidence that Mr Baird had some ability as an educator, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Baird in the profession for the reasons referred to below."

"The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Baird 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 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 a 2-year review period.

I have considered the panel's comments "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. These cases include fraud or serious dishonesty. The panel found that Mr Baird was responsible for serious dishonesty having accepted a position he obtained under false pretences." The panel also said "However, the panel did consider that there were mitigating circumstances and Mr Baird co-operated with these proceedings. He has developed some insight as to the reasons for his actions found proven in allegation 1, although has not demonstrated the steps he has taken to successfully address the underlying issues. His insight has not been demonstrated in respect of his act of dishonesty."

I have considered whether a 2-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 I have decided that a two-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Mark Baird is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 3 May 2026, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Baird remains prohibited from teaching indefinitely.

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

Mr Baird 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 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 28 April 2024

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