



Teaching
Regulation
Agency

Mr Jack Valentine Professional conduct panel meeting outcome

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

August 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	4
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher:	Mr Jack Valentine
Teacher ref number:	4149344
Teacher date of birth:	16 March 1999
TRA reference:	21267
Date of determination:	06 August 2024
Former employer:	Gresham's School, Norfolk

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 6 August 2024 by virtual means, to consider the case of Mr Valentine.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Mr Dara Islam (lay panellist) and Ms Jo Palmer-Tweed (teacher panellist).

The legal adviser to the panel was Miss Abbie Swales 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 Valentine that the allegations be considered without a hearing. Mr Valentine provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Kiera Riddy or Mr Valentine.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 14 May 2024.

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

1. In or around 30 June 2022 he engaged in inappropriate activity with Pupil A in that he kissed her in a nightclub following the school's '[REDACTED] Ball'; and
2. His behaviour as may be found proven at 1 above, was conduct of a sexual nature.

Mr Valentine admitted the facts of the allegations and that his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Notice of Referral & Response – pages 4 to 21

Section 2: Statement of Agreed Facts and Presenting Officers Representations – pages 22 to 28

Section 3: Teaching Regulation Agency documents – pages 29 to 162

Section 4: Teacher documents – pages 163 to 169

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 Valentine on 2 April 2024.

Decision and reasons

The panel carefully considered the case and reached a decision.

The panel considered at the outset whether the allegation should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Mr Valentine requested a meeting and the panel has the benefit of Mr Valentine's representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

Mr Valentine was employed at Taunton School (the "School") as a PGCE PE Teacher until July 2022.

On 20 June 2022, Mr Valentine was a chaperone at the School's '[REDACTED] Ball'. The celebrations moved on to a nightclub, which was attended by pupils (including [REDACTED], "Pupil A") and members of School staff including Mr Valentine and parents.

The School's term ended on 1 July 2022.

The School was informed of an alleged Incident involving Pupil A on 2 July 2022.

On 1 September 2022, Mr Valentine commenced employment at Gresham's School ("Gresham's"). On 9 September 2022 Gresham's was informed about the Incident. Mr Valentine ceased employment at Gresham's by way of resignation on 30 September 2022.

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 or around 30 June 2022 you engaged in inappropriate activity with Pupil A in that you kissed her in a nightclub following the School's '[REDACTED] Ball'.

In the statement of agreed facts Mr Valentine admitted this allegation in full. He confirmed that he kissed Pupil A on the lips in a nightclub following the School's '[REDACTED] Ball' on 30 June "2023". The panel noted that the Statement of Agreed Facts contained a typographical error in that the date of the incident must have been 2022 in order for the allegation to have been raised in July 2022. Mr Valentine further accepted that he engaged in inappropriate activity by kissing Pupil A.

The panel was satisfied that Mr Valentine's admission was clear and unequivocal. The panel carefully analysed the evidence before it. It noted that Mr Valentine's admission was consistent with the surrounding evidence in the bundle including the account by another pupil, who witnessed the Incident, The panel found proven that Mr Valentine had kissed Pupil A in a nightclub following the School's '[REDACTED] Ball' on 30 June 2022, which, the panel considered amounted to inappropriate activity because of the fact Mr Valentine was chaperoning the [REDACTED] Ball.

Accordingly, the panel found the facts of allegation 1 proved.

2. Your behaviour as may be found proven at 1 above was conduct of a sexual nature.

The panel took into account that the definition of 'sexual' is provided in Sections 78a and b of the Sexual Offences Act 2003 as '*...touching, or any other activity is sexual if a reasonable person would consider that (a) whatever its circumstances or any person's purpose in relation to it, it is because of its nature sexual, or (b) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual.*'

In the statement of agreed facts Mr Valentine admitted that his conduct was of a sexual nature. In addition, the Allegations Reporting Form included in the bundle includes a statement received from another pupil who saw the Incident and described Mr Valentine and Pupil A as '*dancing extremely intimately*' and that they '*proceeded to kiss for an extended period of time*'. As such, the panel determined the conduct was sexual in nature in this context.

Accordingly, the panel found the facts of allegation 2 proved.

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 Valentine, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Valentine 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; and
 - 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, namely in that he was in position of power and should have respected the teacher pupil boundary between himself and Pupil A;
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach; and
- teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered that Mr Valentine had breached the obligation in Keeping Children Safe in Education (“KCSIE”) to promote and safeguard the welfare of a child.

The panel also considered whether Mr Valentine’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. 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 found that the offence of sexual activity was relevant.

The panel noted that the allegation took place outside the education setting. However, the conduct involved a pupil and was found to be sexual in nature. Furthermore, the conduct occurred following an official School event at which Mr Valentine was in attendance as a chaperone.

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

The panel went on to consider whether Mr Valentine 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 considered whether Mr Valentine's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. 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 panel found that the offence of sexual activity with a child was relevant.

The panel considered that the conduct displayed would be likely to have a negative impact on the individual's status as a teacher particularly as the conduct involved a pupil and occurred in the presence of other pupils, staff and parents.

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

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

Having found the facts proved, the panel further found Mr Valentine'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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Valentine 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; and
- declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Valentine, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils given the serious finding of inappropriate activity with a pupil which was found to be sexual in nature.

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

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

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 noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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;
- abuse of position or trust;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- violation of the rights of pupils.

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 any mitigation.

There was no suggestion in the evidence that Mr Valentine's conduct was not deliberate or that he was acting under extreme duress (e.g. a physical threat or significant intimidation).

The panel noted that Mr Valentine admitted the allegation from the outset. The panel considered the two-page letter produced by Mr Valentine and acknowledged that he showed a significant degree of remorse and insight, acknowledged the effect of his actions on the School and Gresham's and did not try to make excuses for his actions.

However, the panel also noted that there was some evidence in the bundle of prior warnings for breaching boundaries and whilst not the same circumstances, this suggested that this was not a one off incident in terms of his professional conduct. Whilst the panel acknowledged Mr Valentine was young and inexperienced, there was evidence of his safeguarding qualifications meaning he should have been aware of the appropriate boundaries between teachers and pupils.

The panel determined that there was no evidence that Mr Valentine had made a significant contribution to the education sector.

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 Valentine 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 Valentine. The case involved conduct, which was sexual in nature, involving a pupil. 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 not offering a review period. These cases include:

- serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons; and
- any sexual misconduct involving a child.

The panel found that whilst Mr Valentine's conduct was exploitative, it was at the lower end of 'serious' and there was no evidence that it resulted in harm to Pupil A.

The panel considered the two-page mitigation letter produced by Mr Valentine and acknowledged that he showed a significant degree of remorse and insight, acknowledged the effect of his actions on the School and Gresham's and did not try to make excuses for his actions.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate for the prohibition order to be recommended with provision for a review period of 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Valentine 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; and
 - 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, namely in that he was in position of power and should have respected the teacher pupil boundary between himself and Pupil A;
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach; and 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 Valentine, 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 Valentine fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of engaging in inappropriate activity with a pupil, conduct found to be sexual in nature.

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 Valentine, 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 Valentine, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils given the serious finding of inappropriate activity with a pupil which was found to be sexual in nature." 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 that Mr Valentine admitted the allegation from the outset. The panel considered the two-page letter produced by Mr Valentine and acknowledged that he showed a significant degree of remorse and insight, acknowledged the effect of his actions on the School and Gresham's and did not try to make excuses for his actions." I have therefore given this element some 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 Valentine was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of sexual activity with a 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 Valentine himself and the panel comment “The panel determined that there was no evidence that Mr Valentine had made a significant contribution to the education sector.”

A prohibition order would prevent Mr Valentine 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 also noted that there was some evidence in the bundle of prior warnings for breaching boundaries and whilst not the same circumstances, this suggested that this was not a one off incident in terms of his professional conduct. Whilst the panel acknowledged Mr Valentine was young and inexperienced, there was evidence of his safeguarding qualifications meaning he should have been aware of the appropriate boundaries between teachers and pupils.”

I have also placed considerable weight on the following “The panel considered that the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher particularly as the conduct involved a pupil and occurred in the presence of other pupils, staff and parents.”

I have also considered the following “The panel noted that the allegation took place outside the education setting. However, the conduct involved a pupil and was found to be sexual in nature. Furthermore, the conduct occurred following an official School event at which Mr Valentine was in attendance as a chaperone.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Valentine 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, 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 two year review period.

I have considered the panel's comments "The panel found that whilst Mr Valentine's conduct was exploitative, it was at the lower end of 'serious' and there was no evidence that it resulted in harm to Pupil A." The panel also said it "considered the two-page mitigation letter produced by Mr Valentine and acknowledged that he showed a significant degree of remorse and insight, acknowledged the effect of his actions on the School and Gresham's and did not try to make excuses for his actions."

I agree with the panel and have decided that a two 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.

This means that Mr Jack Valentine 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 12 August 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 Valentine remains prohibited from teaching indefinitely.

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

Mr Valentine 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: 8 August 2024

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