



Teaching
Regulation
Agency

Mr Martin James: Professional conduct panel meeting outcome

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

October 2024

Contents

Introduction	3
Allegations	3
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	12

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

Teacher:	Mr Martin James
Teacher ref number:	0968676
Teacher date of birth:	5 March 1984
TRA reference:	22131
Date of determination:	25 October 2024
Former employer:	Bearwood Primary & Nursery School, Bournemouth

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 25 October 2024 by way of a virtual meeting, to consider the case of Mr Martin James.

The panel members were Mrs Shabana Robertson (lay panellist – in the chair), Mr Duncan Tilley (lay panellist) and Mrs Jessica Sheldrick (teacher panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts 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 James that the allegations be considered without a hearing. Mr James 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, Mr Alexander Barnfield of Capsticks LLP, Mr James or any representative for Mr James.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 18 October 2024.

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

1. He failed to disclose information regarding his employment history as follows;

- a. In his application to Bearwood School, he did not disclose his previous employment at Epiphany School;
 - b. In his application to Bearwood School he did not disclose his previous employment at St Luke's Church of England Primary School; and
 - c. He falsely stated to Bearwood School that during the period from July 2020 to March 2022 he was not working at any school.
2. His conduct as may be found proven at 1a, 1b and/or 1c above;
- a. Lacked integrity; and/or
 - b. Was dishonest

Mr James admitted allegations 1(a), 1(b), 1(c), 2(a) and 2(b), as set out in the statement of agreed facts. Mr James also admitted that his actions amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications. However, the panel noted at the outset that there were two different meeting bundles. Upon investigating this matter further with the TRA and the presenting officer via the TRA, the panel satisfied itself that there had been no change to the allegations (having referred this to the presenting officer and as confirmed by the presenting officer that the allegations had not been amended at any time).

Further, the panel satisfied itself that Mr James had received all documentation relevant to the case in an uncorrupted format, including the Witness Statement of Witness A.

Accordingly, the panel was happy to proceed with the meeting.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 5
- Section 2: Notice of proceedings and response – pages 6 to 20
- Section 3: Statement of agreed facts and presenting officer representations – pages 21 to 30

- Section 4: Teaching Regulation Agency witness statements – pages 31 to 40
- Section 5: TRA documents – pages 41 to 218
- Section 6: Teacher documents – pages 219 to 220

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 James on 21 September 2024, and subsequently signed by the presenting officer on 3 October 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr James 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.

Between September 2020 and November 2020 Mr James was employed at the Epiphany School.

Between January 2021 and March 2022, Mr James was employed at St Luke's Church of England Primary School.

Between September 2022 and April 2023, Mr James was employed at Bearwood Primary and Nursery School ('the School').

In February 2023, St Luke's Church of England Primary School informed the School of Mr James' dismissal after failing to declare his previous employment.

On 14 June 2023 a referral was received by the TRA.

Findings of fact

The findings of fact are as follows:

- 1. You failed to disclose information regarding your employment history as follows;**

- a. In your application to Bearwood School, you did not disclose your previous employment at Epiphany School;**
- b. In your application to Bearwood School you did not disclose your previous employment at St Luke's Church of England Primary School; and**
- c. You falsely stated to Bearwood School that during the period from July 2020 to March 2022 you were not working at any school.**

The panel considered Mr James' application form to the School, and noted that Epiphany School and St Luke's Church of England Primary School ('St Luke's) had not been listed on the form.

The form stated *'a continuous employment history is required from when you left full time education.'*

The panel noted that within his statement in support of the application form, Mr James had stated *'since the end of this contract in 2020, I have been providing one-to-one tuition for children locally as well as taking the decision to provide childcare for my own two children [REDACTED]. However, I now feel the time is right to get back into the classroom to resume my career with renewed passion and vigour.'*

The panel considered the written statement of Witness A, who stated that he was instructed by Witness B to investigate concerns raised by St Luke's that no reference request had been made to them during the teachers' recruitment process at the School. He stated that St Luke's reported that Mr James had been employed there from January 2021 to 18 March 2022.

Witness A stated that he asked St Luke's for information regarding Mr James' employment there, and he was also informed about Epiphany School so he contacted them to better understand Mr James' employment history and gap in employment.

Witness A stated that Mr James did not attend the investigation meeting on 7 March 2023, and did not attend the disciplinary hearing on 26 April 2023.

The panel considered the written statement of Witness B who was [REDACTED]. Witness B set out that on 20 March 2022, the School received Mr James' application form for a class teacher position. She stated that Mr James was offered the role which commenced on 1 September 2022.

Witness B explained that shortly after starting his role, Mr James went off sick from 3 October 2022 to 21 October 2022, and from 31 October 2022 he went off sick again until 14 November 2022.

Witness B stated that on the 8 February 2020 she was away from the School on an [REDACTED], and that whilst she was away the [REDACTED] received a call from Witness C of St Luke's.

Witness B stated that on 9 February the [REDACTED] emailed the HR team with further details of the call stating that Mr James had previously been employed by St Luke's.

The panel considered the written statement of Witness D, the [REDACTED] of Epiphany School. She confirmed that Mr James worked at Epiphany School from September 2020 to November 2020, when he resigned.

The panel considered the statement of agreed facts, admissions of Mr James, written statement of Witness A and the application form. The panel found that Mr James had failed to disclose information regarding his employment history for having taught at both Epiphany and St Luke's Schools. The panel further found that Mr James had falsely stated to the School that he was not working at any school during the period from July 2020 to March 2022 during his interview. The panel also considered that Mr James had done so deliberately, and this was confirmed by Mr James in his written submissions. The panel also considered that Mr James had either omitted information or given false information on more than one occasion at varying stages of the recruitment process and about more than one matter regarding his employment history. The panel noted the account given by Mr James that this was not the first time he had omitted employment history information during an application process for a teaching position.

The panel found allegations 1(a), 1(b) and 1(c) proven.

2. Your conduct as may be found proven at 1a, 1b and/or 1c above;

a. Lacked integrity; and/or

The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel considered that Mr James had failed to act within the higher standards expected of a teacher by failing to disclose his employment at Epiphany School and St Luke's, and falsely stating that during the period of July 2020 to March 2022 he was not working at any school. The panel felt that such information was relevant, especially as the application form specifically asked for all previous employment.

The panel found that by deliberately failing to disclose this information and falsely stating information relating to his employment history, he had failed to act with integrity.

The panel found allegation 2(a) proven.

b. Was dishonest

The panel went on to consider whether Mr James had acted dishonestly. 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 James' knowledge or belief as to the facts. By his own admission, Mr James deliberately and knowingly provided false and/or omitted information on his application form. Mr James admitted that, in doing so, he was dishonest.

Next, the panel considered whether Mr James' conduct was dishonest by the standards of ordinary decent people. The panel found that Mr James was objectively dishonest by failing to disclose his employment at Epiphany School and St Luke's on his application form; and falsely stating that he was not working at any school during the period of July 2020 to March 2022.

The panel found that Mr James was dishonest by deliberately failing to disclose this information and stating false information at the interview. In reaching this decision the panel considered Mr James' explanation for having done this which was that he had faced difficult experiences with his previous employers and, as such, he sought to move on and forget about it and, in doing so, was intentionally dishonest about his past employment during the recruitment process.

The panel found allegation 2(b) 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 James in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr James 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...
- 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 James fell significantly short of the standards expected of the teaching profession.

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

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

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

Accordingly, the panel was satisfied that Mr James 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 they behave.

The findings of misconduct are serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of particulars 1(a), 1(b), 1(c), 2(a) and 2(b) proved, the panel further found that Mr James' 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/conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils...;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr James, which involved deliberately failing to disclose his employment at Epiphany School and St Luke's on his application form to the School and falsely stating that he had not worked at a school between July 2020 and March 2022, there was a strong public interest consideration in declaring and upholding proper standards of conduct.

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

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

The panel considered whether there was a strong public interest consideration in retaining the teacher in the profession and noted that, there was conflicting evidence regarding his performance as a teacher in his more recent teaching posts.

Notwithstanding 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 James. 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 James. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions...especially where these behaviours have been repeated...;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr James' actions were not deliberate. On the contrary, Mr James had admitted to intentionally concealing information or providing false information on more than one occasion.

There was no evidence that Mr James was acting under extreme duress or indeed any duress.

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

The panel did not find any evidence that Mr James had shown insight into his actions or remorse beyond the impact that his actions had on him, his reputation and his family members. The panel did not consider that Mr James had shown any insight into the seriousness of the potential safeguarding consequences of interfering with schools' safer recruitment processes by omitting information and providing knowingly false information.

Mr James stated that he applied for the job at the School and he felt that after everything that he had been through his only option was not to update his application with his most previous positions. He stated that he regrets this decision and that it was not made with a sound mind or judgement.

Mr James stated that shortly after commencing his position, *[REDACTED]*.

Mr James stated that he has *[REDACTED]*. He stated that every day he feels a great deal of shame, regret and remorse although he did not elaborate as to how or why he felt remorseful for his actions and the impact or potential impact on anyone other than himself and his family.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr James 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 James. The repeated nature of Mr James' behaviour, current lack of insight and the perceived associated risk of repetition was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. 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. The panel found none of these behaviours to be relevant.

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 includes fraud or serious dishonesty. The panel found that Mr James was responsible for acts of serious dishonesty which warranted a prohibition order although considered that these were at the lower end of serious dishonesty especially as they were not aware of any direct harm having actually been caused as a result of his actions. As such, the panel did not consider that there was enough evidence to weigh in favour of a longer review period.

As such, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for the prohibition to be reviewed in two years. The panel considered that this would allow Mr James the opportunity to reflect on the seriousness and potential implications of his behaviour and explore how to avoid repetition.

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 Martin James should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Martin James 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

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 James, 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 did not consider that Mr James had shown any insight into the seriousness of the potential safeguarding consequences of interfering with schools' safer recruitment processes by omitting

information and providing knowingly false information.” 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, “Mr James stated that he has [REDACTED]. He stated that every day he feels a great deal of shame, regret and remorse although he did not elaborate as to how or why he felt remorseful for his actions and the impact or potential impact on anyone other than himself and his family.” The panel has also commented that “The panel did not find any evidence that Mr James had shown insight into his actions or remorse beyond the impact that his actions had on him, his reputation and his family members.” 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 James were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of dishonesty 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 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 James himself and the panel comment “There was no evidence that Mr James had demonstrated exceptionally high standards in both personal and professional conduct or had contributed significantly to the education sector.”

A prohibition order would prevent Mr James 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 concerning the lack of insight, “The panel decided that the public interest considerations outweighed the interests of Mr James. The repeated nature of Mr James’ behaviour, current lack of

insight and the perceived associated risk of repetition was a significant factor in forming that opinion.”

I have also placed considerable weight on the finding that “The panel found that Mr James was dishonest by deliberately failing to disclose this information and stating false information at the interview. In reaching this decision the panel considered Mr James’ explanation for having done this which was that he had faced difficult experiences with his previous employers and, as such, he sought to move on and forget about it and, in doing so, was intentionally dishonest.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr James 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 panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for the prohibition to be reviewed in two years. The panel considered that this would allow Mr James the opportunity to reflect on the seriousness and potential implications of his behaviour and explore how to avoid repetition.”

I agree with the panel and have decided that a two-year review period is proportionate and in the public interest for this case.

This means that Mr Martin James 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 31 October 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 James remains prohibited from teaching indefinitely.

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

Mr James 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 extending from the start of the signature.

Decision maker: Sarah Buxcey

Date: 31 October 2024

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