



Teaching  
Regulation  
Agency

# **Mr Lee Fountain: Professional conduct panel meeting outcome**

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

**April 2025**

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

<b>Teacher:</b>	Mr Lee Fountain
<b>Teacher ref number:</b>	0106467
<b>Teacher date of birth:</b>	8 October 1978
<b>TRA reference:</b>	21286
<b>Date of determination:</b>	14 April 2025
<b>Former employer:</b>	Chatham & Clarendon Grammar School, Ramsgate

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 April 2025 by way of a virtual meeting, to consider the case of Mr Lee Fountain.

The panel members were Mr Paul Burton (lay panellist – in the chair), Mrs Julie Wells (teacher panellist) and Mrs Jane Brothwood (lay panellist).

The legal adviser to the panel was Mr Benjamin Lewins 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 Fountain that the allegations be considered without a hearing. Mr Fountain 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 Fountain or any representative for Mr Fountain.

The meeting took place in private.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 21 January 2025.

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

1. On or around 11 October 2022, he did not maintain appropriate boundaries with Pupil A in that he:
  - a) Put his arm(s) around Pupil A;
  - b) Kissed Pupil A;
2. His conduct at paragraph 1 above was sexually motivated;
3. On 20 October 2022, he accepted a Police Caution for Sexual Activity with a female (aged: 13-17) adult abuse of position of trust (offender does not believe victim is over 18 abuse of position of trust on 11 October 2022) contrary to section 16 (1) (a)-(c), (e) (i) and (5) of the Sexual Offences Act 2003.

Mr Fountain admitted allegations 1(a), 1(b), 2 and 3, as set out in the statement of agreed facts, signed by Mr Fountain on 27 August 2024, confirmed by emails on 28 June 2023 and 21 October 2024.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology, anonymised pupil list and list of key people– pages 3 to 5

Section 2: Notice of referral, response and notice of meeting – pages 6 to 23

Section 3: Statement of agreed facts and presenting officer representations – pages 24 to 31

Section 4: TRA documents – pages 32 to 206

Section 5: Teacher correspondence – pages 207 to 215

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

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the “Procedures”).

## **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Fountain on 27 August 2024.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

In advance of the meeting the TRA agreed to a request from Mr Fountain 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 Fountain commenced employment as an English teacher at Chatham & Clarendon Grammar School (‘the School’) on 1 September 2007.

Mr Fountain was captured on CCTV kissing a sixth form student under the age of 18 (‘Pupil A’) in a classroom.

On 20 October 2022, Mr Fountain was issued with a caution for being a person aged 18 or over in a position of trust in relation to a girl aged 17 and not reasonably believing she was aged 18 or over, intentionally touched her and the touching was sexual. Mr Fountain signed this caution.

The matter was referred to the TRA on 18 November 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 11 October 2022, you did not maintain appropriate boundaries with Pupil A in that you:**

**a) Put your arm(s) around Pupil A;**

**b) Kissed Pupil A;**

The panel considered the statement of agreed facts and noted that there was CCTV footage which allegedly showed that on 11 October 2022, Mr Fountain and Pupil A were in a classroom, and Mr Fountain spoke with Pupil A whilst they were sat at their desks opposite each other. Mr Fountain then approached Pupil A whilst she was putting on a jacket/hoody and kissed her on the lips. The footage showed that Pupil A put her arms around his neck and Mr Fountain put his arm around Pupil A and they kissed again.

The panel did not have sight of this footage but accepted the account of the CCTV footage within the record of police interview, during which the CCTV footage was played and the events described and confirmed as accurate by Mr Fountain.

Having found allegation 1(a) and 1(b) proven, the panel determined that Mr Fountain had failed to maintain appropriate boundaries with Pupil A.

The panel found allegation 1 proven.

**2. Your conduct at paragraph 1 above was sexually motivated;**

The panel considered whether the conduct was sexually motivated. It noted guidance from *Basson* that: “A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship”.

The panel also considered the case of *Haris*, in which it was held that, “in the absence of a plausible innocent explanation for what he did, the facts spoke for themselves.”

The panel considered that the act of kissing a pupil, was done on the balance of probabilities, in pursuit of sexual gratification and had clear sexual motivation. The panel was of the view that there was no other plausible reason for Mr Fountain’s conduct and therefore concluded that his conduct as described at allegation 1, was sexually motivated.

The panel considered that the act of kissing on the lips is an inherently intimate and sexual act. The panel found that Mr Fountain put his arm around Pupil A in the act of kissing Pupil A and when viewed in that context, it could not be distinguished from that act and was also sexually motivated.

The panel found allegation 2 proven.

**3. On 20 October 2022, you accepted a Police Caution for Sexual Activity with a female (aged: 13-17) adult abuse of position of trust (offender does not believe victim is over 18 abuse of position of trust on 11 October 2022)**

**contrary to section 16 (1) (a)-(c), (e) (i) and (5) of the Sexual Offences Act 2003.**

The panel noted the police caution document that was supplied in the bundle. Mr Fountain signed the police caution on 20 October 2022 (the “Caution”), which set out that on 11 October 2022, he, being a person aged 18 or over in a position of trust in relation to a girl aged 17 and not reasonably believing she was aged 18 or over, intentionally touched her and the touching was sexual.

The panel found allegation 3 proven.

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

Having found all 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 first considered whether the conduct of Mr Fountain, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Fountain 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
- 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 Fountain, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”), namely the duty to safeguard and promote the welfare of children (as set out in Part 1 of KCSIE).

The panel was not presented with evidence relating to breaches of Working Together to Safeguard Children and was therefore not satisfied that the conduct of Mr Fountain, in

relation to the facts found proved, involved breaches of Working Together to Safeguard Children.

The panel also considered whether Mr Fountain's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 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 found that the conduct at allegation 1 and 2 was particularly serious given it took place inside the School, where the safeguarding and welfare of children should be absolute. The panel noted that allegation 3 took place outside the education setting. However, the Caution related to actions inside the education setting and the panel considered they were fundamentally connected, and the Caution went to the heart of his role as a teacher.

For these reasons, the panel was satisfied that the conduct of Mr Fountain amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

In relation to whether Mr Fountain's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 Fountain's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Mr Fountain was guilty of unacceptable professional conduct, the Panel found that the offence of sexual activity was relevant.

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 Fountain's conduct could potentially damage the public's perception of a teacher.



For these reasons, the panel found that Mr Fountain'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/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; and
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Fountain, which involved sexual activity with Pupil A, whilst he was an adult in a position of trust, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with children.

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

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Fountain in the profession. Whilst there is evidence that Mr Fountain had ability as an educator, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Fountain in the profession, since his behaviour fundamentally breached

the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Fountain.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. 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, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

Whilst the panel considered Mr Fountain's actions were not pre-meditated, there was no evidence that Mr Fountain's actions in the moment were not deliberate.

There was no evidence that Mr Fountain was acting under extreme duress.

Mr Fountain did not demonstrate exceptionally high standards in his personal and professional conduct or that he had contributed significantly 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 prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Fountain. The panel considered that its finding that Mr Fountain engaged in sexual activity with Pupil A was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

- 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 their professional position to influence or exploit a person or persons; and
- any sexual misconduct involving a child.

The Advice also indicates that there are certain other types of cases 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. None of the listed characteristics were engaged by the panel's findings.

The panel considered Mr Fountain's regret for his actions, which he attributed to "*stress, a temporary massive lapse in judgement and through allowing myself to get too close to a student*". The panel did not consider that this showed true insight and remorse on the part of Mr Fountain. The panel did not find any evidence of Mr Fountain acknowledging

the impact on Pupil A. Rather, the panel noted regret by him and concern at the impact of his actions on himself and [REDACTED].

Although the panel makes no findings in this regard, it did not consider that Mr Fountain intended to develop an inappropriate relationship with Pupil A. The panel noted correspondence between Mr Fountain and Pupil A, which it considered evidenced Mr Fountain's intentions to provide genuine support for Pupil A. However, the panel gave considerable weight to Pupil A's background including [REDACTED]. The panel noted that Mr Fountain was on notice of these difficulties and that he had been told to "*treat her with kid gloves*".

The panel considered that even if it accepted Mr Fountain's contention that his conduct was a single uncharacteristic lapse of judgement, Mr Fountain was aware that Pupil A was particularly vulnerable, and it considered this an aggravating factor. The panel noted that Mr Fountain had been informed by Pupil A that they had feelings for him. The panel considered that Mr Fountain was not inexperienced and should have known better and taken other steps to comply fully with his safeguarding duties, which may have avoided this conduct altogether.

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

## **Decision and reasons on behalf of the Secretary of State**

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Fountain 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
- 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 Fountain, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel was not presented with evidence relating to breaches of Working Together to Safeguard Children and was therefore not satisfied that the conduct involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include a finding which involved sexual activity with a pupil.

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 Fountain 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 light of the panel's findings against Mr Fountain, which involved sexual activity with Pupil A, whilst he was an adult in a position of trust, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered Mr Fountain's regret for his actions, which he attributed to *"stress, a temporary massive lapse in judgement and through*

*allowing myself to get too close to a student*". The panel did not consider that this showed true insight and remorse on the part of Mr Fountain. The panel did not find any evidence of Mr Fountain acknowledging the impact on Pupil A. Rather, the panel noted regret by him and concern at the impact of his actions on himself and [REDACTED]." 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 Fountain 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 pupil 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 Fountain himself and the panel comment "Mr Fountain did not demonstrate exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector."

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

In this case, I have placed considerable weight on the panel's comments "The panel found that the conduct at allegation 1 and 2 was particularly serious given it took place inside the School, where the safeguarding and welfare of children should be absolute. The panel noted that allegation 3 took place outside the education setting. However, the Caution related to actions inside the education setting and the panel considered they were fundamentally connected, and the Caution went to the heart of his role as a teacher."

I have also placed considerable weight on the finding that “The panel decided that the public interest considerations outweighed the interests of Mr Fountain. The panel considered that its finding that Mr Fountain engaged in sexual activity with Pupil A was a significant factor in forming that opinion.”

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

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

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

I have considered the panel's comments “The panel considered that even if it accepted Mr Fountain's contention that his conduct was a single uncharacteristic lapse of judgement, Mr Fountain was aware that Pupil A was particularly vulnerable, and it considered this an aggravating factor. The panel noted that Mr Fountain had been informed by Pupil A that they had feelings for him. The panel considered that Mr Fountain was not inexperienced and should have known better and taken other steps to comply fully with his safeguarding duties, which may have avoided this conduct altogether.” The panel went on to say, “The panel decided that the findings indicated a situation in which a review period would not be appropriate.”

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of full insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Lee Fountain is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Fountain shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Fountain has a right of appeal to 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 stylized, cursive script.

**Decision maker: Sarah Buxcey**

**Date: 17 April 2025**

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