

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr Andrew Sutton  
**Teacher ref no:** 06/72497  
**Teacher date of birth:** 19 February 1985  
**TA Case ref no:** 9162  
**Date of Determination:** 23 November 2012  
**Former Employer:** Barclay Secondary School, Hertfordshire

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of The Teaching Agency convened on 23 November 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Andrew Sutton in a meeting.

The Panel members were Mr Andrew Potts (Lay Panellist– in the Chair), Mr Peter Cooper (Teacher Panellist) and Professor Ian Hughes (Lay Panellist).

The Legal Adviser to the Panel was Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Atkin of Browne Jacobson solicitors. Ms Atkin was not present during the meeting.

Mr Sutton was not present and was not represented during the meeting.

Mr Sutton requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was recorded.

### **B. Allegations**

The Panel considered the allegation set out in the Notice of Referral dated 27 June 2012.

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

- 1) Between September 2009 and May 2011 he engaged in inappropriate communications with Pupil A, a former pupil at Barclay Secondary School, Hertfordshire

Mr Sutton admitted the facts of the allegation set out in the Notice of Referral sent on 27 June 2012 and admits that those facts amount to unacceptable professional conduct and is conduct that brings the profession into disrepute.

### **C. Summary of Evidence**

#### Documents

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

Comments on the Preparation of the Case	Pages 1 – 2
Section 1 Anonymised Pupil List	Page 4
Section 2 Notice of Referral & Response	Pages 6 – 9b
Section 3 Statement of Agreed Facts/Facts Representations	Pages 11 - 19
Section 4 Teaching Agency Documents	Pages 21 - 128

### **D. Decision and Reasons**

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

#### **Summary**

Mr Sutton was employed at the Oak Bank School, Leighton Buzzard from February 2010 until May 2010. His date of birth is 19 February 1985. Between September 2007 and April 2009 he was employed by the Barclay School, Hertfordshire.

In around September 2009, Mr Sutton made contact with Pupil A via Facebook. He sent a request to add her as a friend. Pupil A was a pupil at the Barclay School whilst Mr Sutton was employed there as a teacher. In September 2009 Mr Sutton began to exchange Facebook messages with Pupil A. In May 2011 he contacted Pupil A who was then 17 years old via Blackberry messaging and made comments to her which suggested he was attracted to her and asked if she was single. He accepts sending a number of messages to Pupil A which included sending an inappropriate and sexually explicit image of himself. Mr Sutton accepts that he engaged in inappropriate communications with Pupil A.

The allegation we have considered is that Mr Sutton is guilty of unacceptable professional conduct and / or conduct bringing the profession into disrepute, in that:

- 1) Between September 2009 and May 2011 Mr Sutton engaged in inappropriate communications with Pupil A, a former pupil at Barclay Secondary School, Hertfordshire

#### Findings of Fact

We have found the particulars of the allegation against Mr Sutton proven, for the following reasons:

We have considered all of the evidence contained within the bundle. This evidence has included a copy of a statement given to the Police by Pupil A, a record of the communications Mr Sutton sent to her and a copy of his representations. We have carefully considered the Agreed Statement of Facts and noted that Mr Sutton accepts the facts of the allegation.

On the basis of the evidence available within the bundle and Mr Sutton's admission, we find the facts of the allegation proven.

#### Findings as to Unacceptable Professional Conduct and/or conduct that brings the profession into disrepute

We have noted that Mr Sutton accepts that his conduct amounts to unacceptable professional conduct and is conduct that may bring the profession into disrepute.

Mr Sutton has acted in a manner which has the potential to undermine public confidence in the standards expected of the profession. The nature of his conduct failed to demonstrate proper and professional regard for the ethos, policies and practices of the school.

Teachers have a responsibility to act in a manner which upholds public trust and upholds confidence in the reputation of the profession. Teachers are expected to behave in a manner which ensures the maintenance of appropriate professional boundaries. His behaviour failed to ensure the maintenance of appropriate professional boundaries which is fundamental to a teacher's role given the position of trust, responsibility and authority in which teachers are placed.

Accordingly, on the basis of the facts we have found proven, we find that Mr Sutton's conduct amounts to unacceptable professional conduct and that his conduct brings the profession into disrepute.

#### **Panel's Recommendation to the Secretary of State**

We have considered this case very carefully and have considered the mitigation and evidence presented by the Teaching Agency and Mr Sutton. We have considered the representations which he has provided very carefully and note that he has accepted the allegation and that he has assisted in the investigation of this matter.

We are significantly concerned by Mr Sutton's behaviour. It is clear to us that Mr Sutton took steps to contact the student and then after a break sent direct messages to her which were unsolicited. He sent a highly sexualised image to her and communicated in a manner which was highly inappropriate. His actions were deliberate and he was not acting under duress.

Mr Sutton's conduct has fallen far below the standard expected of a teacher. We are of the view that his behaviour has the potential to undermine the reputation of the profession and to significantly damage public confidence in the standards expected of Teachers. His actions show that he has failed to maintain the paramount requirement for teachers to act in a way which safeguards pupils and ensures their wellbeing. He failed to observe and maintain appropriate professional boundaries

and his actions are a fundamental departure from the standards of conduct which can appropriately be expected of the profession.

We are keenly aware that teachers play an influential role in the formation of children and young people's views and behaviours. Mr Sutton's actions had the potential to cause damage to Pupil A and his actions placed her and the reputation of the profession at risk.

We have considered whether to conclude this case without imposing a sanction. We have decided that the issues raised in this case are so serious that a sanction is necessary and appropriate.

We have reminded ourselves that a sanction which is imposed is not intended to act punitively, but is imposed to reflect the seriousness of behaviour, to uphold public confidence in the standards expected of the profession and to protect the public and/or pupils. We have decided that it is necessary to recommend that a Prohibition Order should be imposed in this case in order to reflect the seriousness of Mr Sutton's behaviour. It is also necessary in order to uphold public trust and confidence in the standards of conduct expected of the profession. We recommend that a Prohibition Order should be imposed immediately.

We have carefully considered whether to allow Mr Sutton the opportunity to apply to set aside the Prohibition Order. We have noted that he was an inexperienced teacher at the time of the incidents and was no longer teaching at the school. We have noted that the Independent Safeguarding Authority decided that it was not appropriate to impose a barring order. The acts alleged, whilst unacceptable, have not been subject to criminal prosecution. There is no suggestion that Mr Sutton has been investigated for other concerns relating to his conduct and there is no evidence of any other disciplinary issues being raised. He has a previously good history.

Having considered the case and Mr Sutton's mitigation carefully, we have decided to recommend that he should be allowed the opportunity to apply for the Prohibition to be set aside after a period of ten years has elapsed. We believe that a period of ten years is appropriate and proportionate. This length of time is necessary in order to allow Mr Sutton the opportunity to show that the concerns with his behaviour which are evidenced in this case have been demonstrably overcome so as to assure any future panel that he does not present an ongoing risk to children or young people.

### **Secretary of State's Decision and Reasons**

I have considered this case carefully. I have taken careful note of the panel's recommendation both in terms of sanction and also in terms of a review period.

Mr Sutton has admitted the facts of the allegation and also that those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr Sutton's behaviour fell seriously below the standards expected of the teaching profession. His behaviour was deliberate and had the potential to cause damage to Pupil A.

I therefore support the recommendation of the panel in terms of imposing a prohibition order on Mr Sutton.

I have also given careful consideration to the review period. Mr Sutton's communications with Pupil A were highly inappropriate. The panel indicate that Mr Sutton will need to demonstrate to a panel that the concerns over his behaviour have been demonstrably overcome. I support the 10 year review period therefore.

This means that Mr Andrew Sutton 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 December 2022, 10 years from the date of this order at the earliest. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Andrew Sutton remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Andrew Sutton has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

**NAME OF DECISION MAKER: Alan Meyrick**  
**Date: 26 November 2012**