



National College for
Teaching & Leadership

Mr Nicholas Bartlett: Professional conduct panel outcome

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

March 2017

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

Teacher: Mr Nicholas Bartlett

Teacher ref number: 1144627

Teacher date of birth: 2 February 1989

NCTL case reference: 15163

Date of determination: 9 March 2017

Former employer: Clarendon Academy (the “School”)

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the NCTL”) convened from 8 March to 9 March 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Nicholas Bartlett.

The panel members were Mr Michael Lesser (teacher panellist – in the chair), Ms Bridget Evans (teacher panellist) and Ms Esther Maxwell (lay panellist).

The legal adviser to the panel was Miss Laura Ellis of Eversheds Sutherland (International) LLP.

The presenting officer for the NCTL was Ms Gudrun Young, instructed by Nabarro LLP.

Mr Nicholas Bartlett was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 9 November 2016.

It was alleged that Mr Nicholas Bartlett ("Mr Bartlett") was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. In relation to Pupil A at summer camp in 2015 he:
 - a. Stroked her thigh/inner thigh;
 - b. Put his hand down her trousers and/or pants and touched and/or squeezed her bottom;
 - c. Hugged her;
2. Shortly after summer camp he sent Pupil A a Facebook friend request;
3. On 31 October 2015, he sent Pupil A 3 Facebook messages;
4. His actions set out at 1 above were sexually motivated;
5. On the evening when the events with Pupil A referred to at paragraph 1 above took place, he consumed alcohol and/or became drunk while responsible for 11 and 12 year old pupils;
6. By his action set out at 5 above he potentially put pupils at risk.

Mr Bartlett provided a written statement to the NCTL on 15 February 2017, in which his response to the allegations is as follows:

- Allegation 1a – Denied;
- Allegation 1b – Mr Bartlett admits that he touched and/or squeezed Pupil A's bottom but denies that he put his hand down her trousers and/or pants;
- Allegation 1c – Admitted;
- Allegation 2 – Admitted;
- Allegation 3 – Admitted;
- Allegation 4 – Denied;
- Allegation 5 – Mr Bartlett admits that he consumed alcohol at the time in question but does not admit that he became drunk while responsible for 11 and 12 year old pupils;

- Allegation 6 – Denied.

Mr Bartlett has not responded to the parts of the allegations concerning unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the absence of such a response, the panel considers that those parts of the allegations are not admitted.

C. Preliminary applications

Proceeding in absence:

The panel has considered whether this hearing should continue in the absence of Mr Bartlett.

The panel is satisfied that the NCTL has complied with the service requirements of paragraph 19 (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Teacher misconduct: Disciplinary procedures for the teaching profession, (the "Procedures").

The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of Mr Bartlett.

The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has noted that Mr Bartlett may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. Mr Bartlett previously responded to the Notice of Proceedings to state that he did not intend to attend the hearing, and his representative from the National Union of Teachers has subsequently confirmed this in email correspondence to the NCTL on 24 February 2017. The panel therefore considers that Mr Bartlett has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. Mr Bartlett has also not requested an adjournment, and there is no indication that an adjournment might result in him attending the hearing. He has also indicated that he does not wish to be legally represented at the hearing.

The panel has had regard to the extent of the disadvantage to Mr Bartlett in not being able to give his account of events, having regard to the nature of the evidence against him. The panel has the benefit of written representations made by Mr Bartlett and is able to ascertain his lines of defence. This includes Mr Bartlett's evidence addressing mitigation and the panel is able to take this into account at the relevant stage. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration when considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr Bartlett's account from him in person.

The panel has had regard to the seriousness of this case, and the potential consequences for Mr Bartlett, and has accepted that fairness to Mr Bartlett is of prime importance. However, it considers that in light of Mr Bartlett's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of it continuing today.

Admission of additional documents by the presenting officer:

The panel considered an application by Ms Young to admit additional documents to the hearing bundle, namely:

1. An email from Mr Bartlett's National Union of Teachers representative dated 24 February 2017, confirming that he did not intend to attend the hearing in person and would not be represented at the hearing;
2. A copy of Pupil A's witness statement, signed by Pupil A;
3. An email from the Investigating Officer who undertook an investigation into the allegations on behalf of Clarendon Academy (the "Investigation Officer") dated 24 February 2017. The panel understands that the NCTL previously intended this person to give oral evidence at the hearing, but this email explains that the witness cannot now attend the hearing and the reasons for this.

The panel understands from Ms Young that Mr Bartlett has been informed of this application and does not object to it.

The panel considers that these documents are relevant to the proceedings, and that their admission does not cause any additional prejudice to Mr Bartlett's case. For these reasons, and the fact that Mr Bartlett does not oppose the application, the panel is

content for the documents to be admitted under its discretion to do so pursuant to paragraph 4.18 of the Procedures.

The signed copy of Pupil A's witness statement is added to the hearing bundle as pages 17a – 17d. The emails dated 24 February 2017 from Mr Bartlett's NUT representative and the Investigation Officer are added at pages 109 to 113.

Application for the hearing to be held in private:

The panel has considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher misconduct: Disciplinary procedures for the teaching profession (the "Procedures") to exclude the public from all or part of the hearing. This follows a request by the teacher that the hearing should be in private.

The panel has determined not to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second and third bullet points of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel has noted Mr Bartlett's request to protect the identities of the parties involved in the allegations. Mr Bartlett has not given any other reason to support the application.

The panel has balanced the reason that Mr Bartlett has requested that the public be excluded against the competing reasons for which a public hearing is required.

The panel notes that it has a discretion pursuant to section 4.71 of the Procedures to treat Pupil A as a vulnerable witness if it considers that the test for doing so in that section is satisfied. The panel is conscious of the fact that the allegation against Mr Bartlett is of a sexual nature and Pupil A was the alleged victim. In addition, although Pupil A is now over 18 years of age, she was under 18 years of age at the time of the events that gave rise to the allegations. As a result, the panel considers Pupil A to be a vulnerable witness. The panel also notes that the other former pupils referred to in the evidence are of the same age group and that identification of them may enable Pupil A to be identified. Consequently the panel has decided to anonymise Pupil A and the other pupils referred to in the evidence during these proceedings.

In relation to Mr Bartlett's application for the hearing (or part of it) to be held in private, the panel notes that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel considers that anonymising

the identities of Pupil A and the other former pupils sufficiently protects their interests, and therefore that there is no need to exclude the public from the hearing. Should any other reason arise during the hearing for part of it to be held in private, the panel will consider it at that stage.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 4

Section 2: Notice of Proceedings and response – pages 6 to 12

Section 3: NCTL witness statements – pages 14 to 21

Section 4: NCTL documents – pages 23 to 93

Section 5: Teacher documents – pages 95 to 108

In addition, the panel agreed to accept the following:

- The email from Mr Bartlett's National Union of Teachers representative dated 24 February 2017, confirming that he did not intend to attend the hearing in person and would not be represented at the hearing – page 109;
- The copy of Pupil A's witness statement, signed by Pupil A - pages 17a to 17d;
- The email from the Investigation Officer dated 24 February 2017, explaining the reasons for her non-attendance at the hearing – pages 110 to 113.

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

Witnesses

The panel heard oral evidence from the following witnesses, who were called by the presenting officer:

1. Pupil A - A former pupil of Clarendon Academy who was the alleged victim of the allegations.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Bartlett began working as a supply teacher at Clarendon Academy on 7 January 2013 and became a permanent science teacher on 27 January 2014. From 29 June 2015 to 3 July 2015 he accompanied some pupils on a school summer camp, during which it is alleged that he sexually assaulted Pupil A. It is also alleged that Mr Bartlett sent Pupil A a 'friend request' and three messages via Facebook. A few months later, Pupil A discussed the events at the summer camp with Pupil B. Pupil B told her mother and Pupil B's mother reported it to the School on 19 November 2015. Mr Bartlett was subsequently suspended from the School on 20 November. A police investigation ensued but did not result in a criminal prosecution as Pupil A declined to make a formal complaint. The School then conducted its own investigation and Mr Bartlett resigned.

Findings of fact

The panel must decide whether the facts of the case have been proved on the balance of probabilities and its findings of fact are as follows.

The panel has found the following particulars of the allegations against you proven, for these reasons:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. In relation to Pupil A at summer camp in 2015 you:

a. Stroked her thigh/inner thigh;

The panel heard oral evidence from Pupil A that whilst on the summer camp, she and Mr Bartlett had been sitting around the camp fire with other students during the early hours of the morning. Mr Bartlett sat on her left, a blanket was over their laps, his right hand moved to her lap, then rubbed the top of her thigh for a couple of minutes. She said that this action could not have been mistaken as 'brushing against her accidentally' and that it appeared to be intentional.

Conversely, Mr Bartlett's statement to the NCTL dated 15 February 2017 denies this part of the allegation.

The panel considered all of the evidence and preferred the evidence of Pupil A as she was a credible witness when giving oral evidence and able to recall specific details regarding the event when questioned by the panel and presenting officer. Her evidence was also consistent during her oral account to the panel and with her written statement to

the NCTL dated 27 February 2017. The panel therefore considered that, on the balance of probabilities, the event was more likely than not to have occurred.

b. Put your hand down her trousers and/or pants and touched and/or squeezed her bottom;

The panel heard oral evidence from Pupil A that she and Mr Bartlett walked back to their tents from the camp fire, together with Pupils F and G. Pupils F and G then went into their tents so that Pupil A was left alone with Mr Bartlett. Mr Bartlett initiated a hug with Pupil A and put his hands around her waist. She said he then put both of his hands underneath her jogging bottoms, leggings and underwear and squeezed her bottom for a couple of seconds with both of his hands.

Mr Bartlett's statement admits that he squeezed Pupil A's bottom for a few seconds. This admission is also contained in the notes from his interviews with the police on 21 November 2015 and Investigation Officer on 15 December 2015, and his report to the School's disciplinary panel dated 3 February 2016. However, he states that he did this through her clothes and denies that he put his hands underneath her clothes.

The panel considered all of the evidence and again, preferred the evidence of Pupil A for the reasons above. The panel therefore considered that on the balance of probabilities the event was more likely than not to have occurred.

c. Hugged her;

As above, the panel heard oral evidence from Pupil A that Mr Bartlett did this before they went into their tents. Pupil A also said that Mr Bartlett did not hug Pupils F and G before they went into their tents.

Mr Bartlett's statement admits this part of the allegation. This admission is also contained in the notes from his interviews with the police on 21 November 2015 and Investigation Officer on 15 December 2015, and his report to the School's disciplinary panel dated 3 February 2016. It is therefore found proved.

2. Shortly after summer camp you sent Pupil A a Facebook friend request;

The panel heard oral evidence from Pupil A that approximately a week after the events in allegation 1 above, she received a Facebook friend request from Mr Bartlett, and that he subsequently apologised to her outside of a classroom at the School for sending this.

Mr Bartlett's statement admits this allegation. This admission is also contained in the notes from his interviews with the police on 21 November 2015 and Investigation Officer on 15 December 2015, his email to the Investigation Officer on 7 January 2016 and report to the School's disciplinary panel dated 3 February 2016. It is therefore found proved.

3. On 31 October 2015, you sent Pupil A 3 Facebook messages;

Pupil A's statement states that she received three Facebook messages from Mr Bartlett in October 2015 and she confirmed that this was correct in her oral evidence. The panel has seen copies of the messages in the hearing bundle. The panel noted that one of these messages was sent at 5:23am. Pupil A also stated in oral evidence that she received a copy of one of them to her school email account.

Mr Bartlett's statement admits this allegation and it is therefore found proved.

4. Your actions set out at 1 above were sexually motivated;

In relation to the parts of allegation 1 that Mr Bartlett admits, the panel notes that Mr Bartlett's statement denies that his actions were sexually motivated.

The panel is of the view that on the balance of probabilities, a reasonable person would consider the actions found proven in allegation 1 to have been sexually motivated. This is particularly the case in relation to stroking the top of Pupil A's thigh for a couple of minutes and touching her bottom underneath her clothes and underwear, whilst hugging her. Furthermore, the panel considers that the evidence presented to it regarding the context in which the conduct took place indicates that it is more likely than not that the purpose of the conduct was sexual. In particular, in relation to the nature and physicality of the contact referred to in particulars 1a and 1b. It is also relevant that the conduct took place at night, after Mr Bartlett had consumed alcohol and out of the sight of other pupils and teachers.

The panel therefore concludes that the actions in allegation 1 were sexually motivated.

5. On the evening when the events with Pupil A referred to at paragraph 1 above took place, you consumed alcohol and/or became drunk while responsible for 11 and 12 year old pupils;

The panel heard oral evidence from Pupil A that year 7 pupils (aged between 11 and 12 years old) were present at the camp in question, albeit that they had gone to bed earlier in the evening before the events referred to in allegation 1 took place. Pupil A also stated that Mr Bartlett consumed alcohol during the evening, although she did not consider him to be intoxicated.

Mr Bartlett's statement admits that he was present at the camp that evening in his capacity as a teacher employed by the School, and that he consumed alcohol during the evening. This admission is also contained in the notes from his interviews with the police on 21 November 2015 and Investigation Officer on 15 December 2015, and report to the School's disciplinary panel dated 3 February 2016. The panel notes that Mr Bartlett's statement suggests that other staff were given the specific task of being on duty that evening, but states that he still regrets his decision to consume alcohol in that context.

The panel considers that as Mr Bartlett was present at the camp in his capacity as a teacher employed by the School, he was, with the other members of staff present, responsible for looking after the safety and welfare of the pupils/students at the camp. This responsibility was entrusted to him (and the other members of staff) by the pupils' parents, who the panel understands were not present. The panel also considers that this role of responsibility was not negated by the fact that Mr Bartlett may not have been specifically appointed to be the member of staff on duty that evening.

The panel therefore finds this allegation proved, in that Mr Bartlett consumed alcohol whilst responsible for the pupils/students at the camp (some of whom were 11 and 12 years old).

6. By your action set out at 5 above you potentially put pupils at risk.

The panel considers that Mr Bartlett's consumption of alcohol, whilst responsible for pupils, did potentially put those pupils at risk. This is because alcohol impairs a person's judgment, even if the person is not intoxicated. Therefore, if a teacher consumes alcohol whilst responsible for pupils in his care, the impaired judgment of the teacher poses a risk to the pupils' safety.

The panel notes that Mr Bartlett admits this allegation in his statement and states that he regrets doing this. The panel also notes that in Mr Bartlett's report to the School's disciplinary panel dated 3 February 2016, he stated "*I was drinking but I was not drunk... I know this compromised my judgment... I realise I should not of put myself or students in this position*".

The panel therefore finds this allegation proved.

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

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

The panel is satisfied that the conduct of Mr Bartlett in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Bartlett 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;
- 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Bartlett fell significantly short of the standards expected of the profession.

The panel has also considered the School's Code of Conduct that was in force at the time of the allegations (dated April 2014) and Code of Conduct for Safe Practice and Safeguarding for Children in Education. Relevant parts of these are as follows:

- Employees have a duty of care to keep young people safe and protect them from emotional harm.
- Adults working at the School are responsible for their own actions and behaviour and should avoid any conduct which would lead a reasonable person to question their motivation or intentions;
- Staff must ensure that their relationships with pupils remain on a professional footing. This includes:
 - Only touching pupils for professional reasons when this is necessary and appropriate for the pupil's wellbeing or safety;
 - Not behaving in a way that could lead a reasonable observer to question the staff's conduct, intentions or suitability to care for other people's children;
 - Not making arrangements to communicate with pupils outside of work (including by email or other messaging systems); and
 - Not developing a personal or sexual relationship with pupils. Attention is drawn to the Sexual Offences Act 2003 (specifically the offence of abuse in a position of trust) and an explanation is provided of the imbalance of power between teachers and students and therefore the position of trust that teachers are in when looking after students in their care.

In Mr Bartlett's interview with the Investigation Officer on 15 December 2015, he confirmed that he had received safeguarding training and was familiar with these policies

(amongst others) and the Teachers' Standards. However, the panel considers that the conduct set out in the allegations constitutes breaches of these policies.

The panel has also considered whether Mr Bartlett's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that offences involving sexual activity are relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel considers that although the conduct in allegations 1, 4, 5 and 6 did not take place on the School's premises, it was within an education setting. This is because Mr Bartlett was present at the camp in his capacity as a teacher employed by the School, to look after the students.

Ultimately, the panel considers that the misconduct was of a serious nature, which fell significantly short of the behaviour expected of a teacher in Mr Bartlett's position. His behaviour towards Pupil A constituted an abuse of the power and trust that had been placed in him, and exploited her vulnerability as a young female student in his care who was under the age of 18 at the time and still remains upset by the events that took place.

Accordingly, the panel is satisfied that Mr Bartlett is guilty of unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The panel considers that Mr Bartlett's behaviour fell significantly short of this public expectation and therefore that his actions constitute conduct that may bring the profession into disrepute.

Having found the facts of the allegations proved, the panel further finds that Mr Bartlett's conduct amounts 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 is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely:

- The protection of pupils and other members of the public;
- 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 Bartlett, which involved sexually motivated misconduct with Pupil A, there is a strong public interest consideration in the protection of pupils. Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bartlett was not treated with the utmost seriousness when regulating the conduct of the profession.

In view of the clear public interest considerations that were present, the panel has 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 Bartlett.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition, as well as the interests of Mr Bartlett. 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 proven. In the list of such behaviours, those that are relevant in this case are:

- a serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils; and
- 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.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate

measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel noted in this regard that there are no previous findings of misconduct against Mr Bartlett. However, the evidence indicates that Mr Bartlett's actions were deliberate and sexually motivated. The panel has not received any references as to Mr Bartlett's abilities as a teacher or character references.

The evidence indicates that Mr Bartlett's behaviour towards Pupil A was part of an evident developing pattern of sexually motivated conduct towards her, which he deliberately hid from others. The panel considers this to have been an outright abuse of his position of trust, given the imbalance of power between him and Pupil A and her vulnerability as a female student under the age of 18 in his care.

The panel is concerned by the hidden nature of Mr Bartlett's conduct and his failure to report it. During Mr Bartlett's interview with the Investigation Officer, he stated that at the time of the incident in allegation 1b, he thought he had said to Pupil A "I'm going to get fired for that", which indicates that he recognised the seriousness and inappropriateness of what he had done. Of particular relevance is also Pupil A's credible oral evidence (supported by her written statement) that after the incident at the camp, Mr Bartlett approached her at school and said "*you're not going to tell anyone are you?*" Pupil A said that she considered this to be a reference to the events at the camp, as some of her friends were already aware of Mr Bartlett's Facebook friend request. Upon considering all of the evidence presented to it, the panel concludes that Mr Bartlett was aware of what he was doing. Furthermore, his behaviour has had a traumatic impact upon Pupil A as she still feels guilty that she did not control the situation at the time and remains genuinely distressed about it.

In terms of Mr Bartlett's insight, his statement to the NCTL indicates that upon reflection, he recognises that he was in a position of responsibility over the pupils/students at the camp, although the evidence suggests that he did not appear to understand this at the time. He has also showed some signs of remorse. However, he maintains that Pupil A is not telling the whole truth and has also tried to place some of the blame upon Pupil A for what happened. By way of example, the panel notes that during Mr Bartlett's interview with the police, he told the police that Pupil A was affectionate towards him and would actively seek him out to work with, as if this provided some justification for his actions. Ultimately, the panel therefore considers that there is a risk that Mr Bartlett may repeat similar behaviour in the future, which puts pupils at risk.

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 is sufficient.

The panel is of the view that in applying the standard of the ordinary intelligent citizen, a recommendation of no prohibition order is not a proportionate and appropriate response.

Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present, despite the severity of consequences for Mr Bartlett of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Bartlett. The fact that the conduct in allegations 1 to 3 was sexually motivated towards a vulnerable student, the hidden nature of this and Mr Bartlett's attempt to place some of the blame upon Pupil A (which indicates an ongoing safeguarding risk), were significant factors in forming that opinion. Accordingly, the panel makes 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 were mindful that the Advice advises that a prohibition order applies for life, but that 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 proven, would militate against a review period being recommended. These behaviours 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 their professional position to influence or exploit a person or persons. The panel has found that Mr Bartlett has been responsible for doing this, due to his serious sexual misconduct towards a vulnerable student in his care, which constituted an abuse of his position of trust (as explained above). The panel's observations regarding Mr Bartlett's insight are also detailed above.

The panel therefore felt that the findings indicated a situation in which a review period would not be appropriate and as such has 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 made to me by the panel in respect of both sanction and review period.

In considering the recommendations made by the panel and reaching my own decision on this matter I have paid particular attention to the advice published by the Secretary of State on the prohibition of teachers.

In this case, the panel has found all of the allegations before it to be proven. The panel has found by reference to Part Two of the advice published by the Secretary of State that Mr Bartlett 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;
 - 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

I am satisfied that the conduct of Mr Bartlett fell significantly short of the standards expected of the profession.

The panel has gone on to make a recommendation concerning prohibition. In considering that recommendation I have taken into account the need to weigh the various elements of the public interest and the various interests of the teacher. I have recognised that there are public interests in retaining good teachers in the profession. I have also recognised that in some cases, a finding of unacceptable professional conduct is itself a serious matter, and may of itself represent a proportionate and appropriate conclusion to a case.

In this case the Advice published by the Secretary of State suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- a serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils; and
- 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.

I have weighed the public interest considerations and the interests of Mr Bartlett. In my judgement in this case a prohibition order is merited and is proportionate. I have taken into account the mitigating factors set out by the panel.

I have noted that the panel found there to be no previous findings of misconduct against Mr Bartlett. However, the panel are also clear that the evidence indicates that Mr Bartlett's actions were deliberate and sexually motivated. The panel sets out that it had not received any references as to Mr Bartlett's abilities as a teacher or character references.

The evidence indicates that Mr Bartlett's behaviour towards Pupil A was part of an evident developing pattern of sexually motivated conduct towards her, which he deliberately hid from others. Like the panel, I consider this to have been an outright abuse of his position of trust, given the imbalance of power between him and Pupil A and her vulnerability as a female student under the age of 18 in his care.

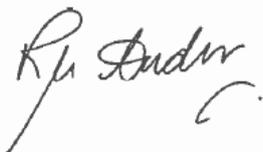
For these reasons I support the recommendation of the panel that a prohibition order is imposed on Mr Bartlett.

I have gone on to consider the matter of a review period. I have read with care the recommendation of the panel and have also read again the advice on this matter. For the reasons given, taking into account the apparent lack of insight and the serious nature of the sexual misconduct I agree with the recommendation of the panel that there be no review period. In my view this is proportionate, in the public interest and in line with the published advice.

This means that Mr Nicholas Bartlett 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 Nicholas Bartlett 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 Nicholas Bartlett 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.



Decision maker: Russell Andrews

Date: 13 March 2017

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