



Teaching
Regulation
Agency

Mr Nicholas Martin Walker: Professional conduct panel outcome

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

June 2021

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

Teacher:	Mr Nicholas Martin Walker
Teacher ref number:	0619074
Teacher date of birth:	25 May 1967
TRA reference:	17229
Date of determination:	17 June 2021
Former employer:	Ashby School, Ashby De La Zouch

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24, 25 May and 17 June 2021 by virtual means to consider the case of Mr Walker.

The panel members were Professor Roger Woods (former teacher panellist – in the chair), Mrs Emma Moir (lay panellist) and Mr Neil Hillman (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Ben Chapman of external counsel instructed by Browne Jacobson LLP.

Mr Walker was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 26 March 2021.

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

- 1) Whilst employed as a teacher at Ashby School he engaged in inappropriate and/or unprofessional behaviour towards Pupil A between approximately 2010 and 2014, including by;
 - a) engaging in physical contact with her on one or more occasions including:
 - i) kissing her;
 - ii) hugging her;
 - iii) touching her breast(s);
 - iv) putting your hand(s) around her waist;
 - v) touching her knee;
 - b) making comments about her appearance on one or more occasion;
 - c) making one or more comments of a sexual and/or sexually suggestive nature;
- 2) Engaged in inappropriate and/or unprofessional behaviour in or around December 2001 – December 2002 towards Child B, who was at that time under 16 years old, including by;
 - a) making comments about her appearance on one or more occasions;
 - b) mouthed 'love you' or words to that effect to her on or around 8 December 2001;
 - c) hugging and/or kissing her including on or around 8 December 2001;
 - d) engaging in sexual activity with her on or around 7 December 2002 including by:
 - i) digitally penetrating her;
 - ii) giving her oral sex;
 - iii) receiving oral sex from her;
 - iv) masturbating yourself in front of her;
- 3) His behaviour as may be found proven at Allegations 1) and/or 2) above was conduct of a sexual nature and/or was sexually motivated.

Mr Walker denied the allegations and denied unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

Applicable Procedures

The panel noted that since the date of the referral to the TRA in this case, new Teacher misconduct disciplinary procedures for the teaching profession were published in May 2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the “April 2018 Procedures”) apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Proceeding in Absence

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

The panel is satisfied that TRA 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 complied 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 the teacher.

The panel has taken as its starting point the principle from *R v Jones* 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 considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel has noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of *R v Jones*.

This case was originally convened on 4 November 2019 and Mr Walker had indicated his intention to be present and represented at the hearing. He did not, however, attend and

the hearing was adjourned to allow Mr Walker a further opportunity to attend. The panel's reasons recorded that Mr Walker had stated that he "felt unable" to attend the hearing because of [REDACTION] and that he waived his right to be present at the hearing. Following that adjournment, Mr Walker's representative sent an email to convey his great concern that the hearing had not proceeded in his absence, and that he considered that the delay in concluding his case was having an adverse impact on his [REDACTION]. He asked that the hearing be rescheduled at the earliest opportunity and confirmed that he did not intend to be present.

The hearing was then scheduled to reconvene on 26 March 2020. His representative provided a letter from [REDACTION], as requested by the panel which confirmed a [REDACTION], but this provided no details [REDACTION], nor any comment as to his [REDACTION] to attend the hearing. His representative confirmed that Mr Walker would not be attending the hearing, nor would he be represented. Mr Walker also completed the response to the notice of proceedings to confirm that he did not intend to be present at the hearing, nor did he intend to be represented.

On 18 March 2020, Mr Walker was notified that the hearing was postponed as a result of the Coronavirus (COVID-19) pandemic.

In his response dated 2 April 2021 to the notice of hearing sent on 26 March 2021 regarding the present hearing, Mr Walker indicated that he did not intend to be present at the hearing, nor did he intend to be represented. The panel therefore considers that the teacher has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place. The panel does not consider that a further adjournment would result in Mr Walker attending voluntarily and will only result in further delaying the determination of this case which is in neither the public interest, nor the interest of Mr Walker, his representative already having explained the adverse effect that the delay was having upon him.

The panel has the benefit of representations made by the teacher and is able to ascertain his lines of defence. The panel has noted that all witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. 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 the teacher's account.

The panel has recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The allegations include reference to Pupil A and Child B, both of whom it is alleged that the teacher has acted inappropriately and unprofessionally towards. Both witnesses will have an interest in having the allegations determined within a reasonable time. Both are ready and prepared to give evidence, and it would be inconvenient and distressing for them to return again. The conduct alleged is already said to have taken place a long time ago, and further delaying the case may impact upon the memories of those witnesses.

The panel has decided to proceed with the hearing in the absence of Mr Walker. The panel considers that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

Jurisdiction Issue

The panel considered as a preliminary point whether it had jurisdiction to consider the case.

In paragraph 52 of Mr Walker's witness statement, he referred to Child B having stated that he had been introduced to her in 2001, and that this was prior to his qualifying as a teacher. Paragraph 8 of his statement states that he retired from the Royal Marines in 2007 and it was at that point that he retrained as a teacher.

The issue for the panel to determine was whether the phrase "is employed or engaged to carry on teaching work" within section 141A of the Education Act 2011 and paragraph 2 of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations"), encompasses the situation in this case. The panel were advised that s141B allows the Secretary of State to investigate a case where an allegation is referred to the Secretary of State that a person meeting the definition within s141A - a) may be guilty of unacceptable professional conduct or conduct that may bring the teaching profession into disrepute, or b) has been convicted (at any time) of a relevant offence.

The panel was advised that the legal meaning of an enactment is the meaning that corresponds to the legislator's intention in passing the enactment. The panel was advised to consider the words used in section 141A and regulation 2 in the context of the enactment as a whole, and the panel's attention was specifically drawn to section 141D which applies where an employer has ceased to use the services of a teacher or the teacher has ceased to provide those services. The panel understands that the legislation plainly provides for circumstances in which a referral can be made, even when a teacher is no longer a teacher, and therefore is wider in its coverage than only those who are currently teaching.

The panel was advised to consider whether it was of the view that the legal meaning of the phrase “is employed or engaged to carry on teaching work” was plain and unequivocal or ambiguous because there were alternative ways of interpreting the phrase. The panel was advised that if it considered the legal meaning of the phrase to be plain, then it would not need to interpret the phrase further.

However, if the panel did consider the phrase to be ambiguous, then the panel should consider what the intended legal meaning was, and that it should reach a balanced and common sense judgement. The panel were directed to the following principles that it may wish to consider in determining this, including that the law should:

- serve the public interest;
- be just;
- be certain and predictable;
- be coherent and self-consistent.

The panel was also told that it should be presumed that Parliament will have intended:

- for the provision to be given its literal meaning on an ordinary and natural interpretation;
- the provision to meet the legislative purpose and remedy the issue it was directed towards;
- the provision not to be interpreted in a way that produces an absurd, unworkable or impractical result;
- the provision not to be interpreted in a way that produces unjustifiable inconvenience in terms of unnecessary technicalities, inconvenience to business, taxpayers or legal proceedings;
- the provision not to be interpreted in a way that produces an anomaly;
- the provision not to be interpreted in a way that produces a futile, pointless or artificial result, including pointless legal proceedings.

The panel’s attention was drawn to the decision of the High Court in *Zebaida v Secretary of State for Education* [2016] EWHC 1181, a conviction case. This stated that a common sense and plain reading of the legislation allows for referral to the Secretary of State of a person who is employed or engaged in teaching (whenever the conduct giving rise to concern takes place) or who was so employed or engaged at the time the conduct complained of takes place or comes to light.

The panel’s attention was also drawn to the decision of the High Court in *Alsaifi v Secretary of State for Education* [2016] EWHC 1591 which drew a distinction between conviction cases and other conduct. The Panel were advised that the Court in *Alsaifi* had noted that the Zebaida case involved a conviction for a sexual offence and that therefore under 141B(1)(b), the teacher’s conviction *at any time* could trigger a referral. The Court distinguished this from the situation where a person was not a teacher at the time of the alleged misconduct, but was at the time of the referral (as is the circumstance in the present case). The court noted that s141B(1)(a) contained no reference to the conduct

being *at any time*. In those circumstances the court did not consider that it was obvious that it was the intention of Parliament that such a person should be subject to investigation but for the purpose of the case before it, did not need to reach a determination on this point, merely stating there were arguments both for and against such an interpretation.

The legal adviser suggested that the Panel may wish to take into account the following arguments for and against jurisdiction, drawn from the *Alsaifi* case, when reaching its determination:

- 1) the absence of reference to “at any time” in s141B(1)(a) in contrast to its presence in s141B(1)(b);
- 2) whether the alleged conduct could bring the teaching profession into disrepute if the person in question was not a teacher at the time;
- 3) the Guidance which states that conduct outside of the education setting will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role, or if it may lead to pupils being exposed to or influenced by such behaviour in a harmful way;
- 4) whether the conduct in question casts doubt on a person’s suitability to teach such that Parliament must have intended that it could be investigated;
- 5) whether conduct could be described as unprofessional if it was committed at a time when the person was not a teacher.

The panel was reminded that each case should turn on its own facts.

The panel has reviewed the legislative provision. It does not accept that the legal meaning of the provision is plain. It noted the ambiguity as to the point of time at which the phrase “is employed or engaged” relates. The panel has therefore sought to achieve a balanced view and reach a common sense judgement as to the legal meaning of the phrase. It recognises that the legal meaning is Parliament’s intention. The panel drew upon the helpful guidance from the court in *Zebaida and Alsaifi*. In particular, the panel noted that at paragraph 65 of the *Alsaifi* judgment, it was stated:

“There are respectable arguments for and against that interpretation. Unfortunately because of the way this case developed, I did not hear them. I have already mentioned the indications in this statute itself and in the interpretation of the regulations in the guidance to the NCTL that favour the more restrictive interpretation. On the other hand, if the conduct in question casts doubt on such a person’s suitability to teach children and young persons, then arguably it should qualify for investigation – dishonesty of any kind, for example, or inappropriate behaviour towards someone in respect of who the individual concerned was in a position of authority or trust, even in a different kind of job”.

The panel considered that this case falls squarely within the category of case given as an example of a case where, if proven, the allegations would cast doubt on Mr Walker’s suitability to teach children. Child B describes their relationship as having developed from having met Mr Walker at a Christmas concert, where she was a member of a school choir, and he was playing in the Royal Marines’ band. The panel was satisfied that in

such a case, where the allegations related to engaging in conduct of a sexual nature and/or conduct that was sexually motivated, that safeguarding concerns are paramount, in the event of such allegations being found proven. It would therefore serve the public interest if such allegations could be considered, even if the conduct concerned occurred at a time prior to Mr Walker joining the profession.

Taking a hypothetical example, if allegations of this nature could not be considered, it would produce an anomaly in the sense that it would preclude prohibition being considered and imposed in circumstances where an individual has a history of grooming a child, prior to joining the very profession that would allow that individual access to children.

The panel was therefore satisfied that it had jurisdiction to consider and determine the allegations regarding Child B.

Summary of evidence

Documents

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

Section 1: Anonymised pupil list – pages 1 to 2

Section 2: Notice of proceedings and response – pages 3 to 9ap

Section 3: Teaching Regulation Agency witness statements – pages 10 to 59

Section 4: Teaching Regulation Agency documents – pages 60 to 131

Section 5: Teacher documents – pages 132 to 193

Section 6: Late Evidence admitted by PCP Hearing Panel on 4 November 2019 – pages 194 to 204

The panel also agreed to accept Mr Walker's response dated 2 April 2021 to the notice of proceedings.

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

Witnesses

The panel heard oral evidence from Pupil A, Child B and Individual A called by the presenting officer.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Walker was first appointed to Ashby School (the “school”) in January 2007 as a temporary trainee teacher on the graduate teacher programme and he was appointed to the permanent post of Teacher of Music in November 2007. In June 2012, he was promoted to Head of Music. He was suspended from the school on 29 April 2016 as a result of allegations by Child B that were being investigated by the police. In April 2017, Pupil A made an allegation against Mr Walker and was interviewed by the police, although there was no further police action in relation to her allegations. Mr Walker was charged with an offence relating to Child B. At the criminal trial in October 2017, he was found not guilty of the charge against him. He resigned from the school with effect from 31 December 2017 with the disciplinary matter against him in relation to the allegations brought by Pupil A unresolved.

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:

Allegation 1

The panel found Pupil A to be a highly credible witness. She was controlled in her evidence and was able to provide a level of detail in her recollection that the panel found compelling. The panel has seen a note that Individual A prepared after Pupil A had made her disclosure, that stated “this student has very strong moral principles. She is someone that I would regard as being full of integrity, honesty...I have met few students with such a strong moral core”. The panel’s view of Pupil A having listened to and observed her evidence matched this description.

The panel accepted Pupil A’s motivation for coming forward to make the allegations, having recognised the pattern of Mr Walker’s behaviour towards her in February 2017 whilst she was discussing sexual ethics as part of her course in university.

In contrast, the panel was not able to test the evidence of Mr Walker. The panel noted that his statement of 23 October 2019 had been submitted late and the panel convened on 4 November 2019 had decided to admit this statement into evidence. Mr Walker would therefore have had the opportunity to see the evidence against him at this stage. Nevertheless, the panel observed inconsistencies within that statement and between that statement and his earlier account in his letter of 25 March 2019.

On balance, the panel preferred the evidence of Pupil A that not only was it able to test, but which stood up to the scrutiny of the panel.

1) Whilst employed as a teacher at Ashby School you engaged in inappropriate and/or unprofessional behaviour towards Pupil A between approximately 2010 and 2014, including by;

a) engaging in physical contact with her on one or more occasions including:

i) kissing her;

ii) hugging her;

In her evidence, Pupil A described having sought out Individual A to talk with her about some [REDACTION] she was experiencing and, having not been able to find her, Mr Walker invited her to talk to him instead. She stated that she was crying and Mr Walker put his arm around her and hugged her. Pupil A stated that Mr Walker then invited her into a studio within the school when she was talking with him. He sat her down and leant across and put his arm around her shoulders again. She stated that he later kissed the top of her head and hugged her again. She told the panel that there was no distance between them, and that the waistline of Mr Walker's trousers had been by her jaw, so that she was not very far away from his groin area. Her description of this incident was vivid in its level of detail.

On a separate occasion, in the same week, Pupil A stated that she sought some advice from him, that he was not sympathetic towards her, but as she was leaving, he held out his arms for her to receive a hug from him. She stated that he came to her, wrapped his arms over the top and round the back of her shoulders, and kissed the top of her head, whilst he was hugging her.

She stated that during the Summer term of 2011, the hugs with Mr Walker became more frequent, to the point that whenever they were alone, he would lean forward and hug her or hold out his arms for her to be embraced by him. She stated that, sometimes, when he hugged her, he would also kiss the top of her head, on her forehead, or, occasionally on her cheek. She recalled that on one occasion, Mr Walker kissed the end of her nose, so that she recoiled away from him.

After Pupil A began sixth form, she described Mr Walker continuing to put out his arms for her to hug him or reaching forward to embrace her.

Pupil A stated that after she had left the school, [REDACTION] , she had returned to catch up with Individual A, and she passed Mr Walker's room. Upon seeing her, he came rushing towards her and she thought he was going to hug her, but instead he reached and took hold of her face with both hands, leant forward and kissed her on the lips. She stated that she asked "what the hell are you doing?!" and he replied, "I've missed you so you get a kiss."

In his letter of 25 March 2019, Mr Walker admitted having kissed Pupil A on only one occasion when she returned to the School after leaving, to [REDACTION]. He stated that he welcomed her into the classroom and that this was an act done in good humour and faith, and the kiss had been to the top of her head. He also stated in that letter that he could recall a minimal contact embrace with Pupil A on three occasions, once at the end of a performance in front of an entire audience, once when she returned to the school to visit and thank the teaching staff, and the third was to console her when she was upset and tearful. In contrast, in his statement of 23 October 2019, Mr Walker stated that he never fully hugged Pupil A or any other student by placing both arms around them but that he did on occasions hug pupils by placing one arm around the tops of their shoulders. Whilst Mr Walker admitted having kissed the top of Pupil A's head on one occasion in his letter of 25 March 2019, in his statement of 23 October 2019, he stated that kissing the top of a pupil's head would have been "inappropriate and unprofessional". It was apparent to the panel that Mr Walker was willing to cross that boundary, despite recognising it as inappropriate and unprofessional.

Mr Walker's statement of 23 October 2019 also records that his contact was extremely minimal with Pupil A [REDACTION] at the school, yet later in his statement he referred to his recollection that Pupil A "spent every spare minute of every day of her school life in the music department alongside myself and [Individual A]".

The panel preferred the evidence of Pupil A and found this sub-paragraph proven.

iii) touching her breast(s);

Pupil A stated that the hugs and physical contact changed when she was in year 12, so that he would hold his arms out lower than he used to. As she walked forward to him, Mr Walker would retract his arms back so that as he embraced her, both of his hands were at the side of her breasts. She stated that she began to feel increasingly uncomfortable and eventually realised that his hands were cupping her breasts as he hugged her. She stated that this became as "normal" as the hug itself and that the more he did this, the more uncomfortable she became.

Mr Walker denied ever touching any student's breast(s). In his statement of 23 October 2019, Mr Walker stated that he found this allegation particularly abhorrent and upsetting.

The panel found Pupil A's evidence of this to be compelling. She was able to describe with precision how the nature of his hugs changed when she entered the sixth form.

The panel preferred the evidence of Pupil A and found this sub-paragraph proven.

iv) putting your hand(s) around her waist;

Pupil A stated that when Mr Walker commented about how slim she looked, he put his hands around her waist to see how close his fingers came to touching each other.

Mr Walker denied ever putting his hands around any student's waist.

The panel preferred the evidence of Pupil A and found this sub-paragraph proven.

v) touching her knee;

Pupil A stated that Mr Walker insisted on giving her a lift home, and on one occasion, when he reached for the gearstick, he put his hand on her knee instead, and said "Oh! That's not the gearstick!". She stated that she felt Mr Walker's fingers on the inside of her right knee, and that he squeezed her leg for a few seconds before removing his hand. In oral evidence, Pupil A stated that he made the comment whilst his hand remained on her knee. Pupil A reported that Mr Walker gave her four lifts home whilst she was in Year 13 and on each occasion, Mr Walker would grab her right leg instead of the gearstick and refer to the original "mistake", making a "joke" and saying words to the effect of "wrong thing again" or, "that's not the gearstick".

In his letter of 25 March 2019, Mr Walker recalled touching the knee of Pupil A, giving the explanation that she had several bags, near the car door, which resulted in his hand bumping into her knee. He stated that on the very few occasions that he offered students transport home, he would always seek approval from a parent by telephone or by verbal acceptance prior to any such journey. In his statement of 23 October 2019, he stated that he had already spoken to Pupil A's mother at a joint school's concert who had said it was fine to give her daughter a lift. On the three occasions that he has accepted that he drove Pupil A home, he has made no reference to obtaining specific approval for that particular journey, as he stated was his practice in his letter of 25 March 2019.

The panel preferred the evidence of Pupil A and found this sub-paragraph proven.

b) making comments about her appearance on one or more occasion;

Pupil A stated that she recalled Mr Walker saying to her and her female friends as they walked down a corridor in the summer term 2012, "you girls look hot!... not in that way!" When she began year 12, Pupil A stated that Mr Walker had an increasing fascination with whether or not she had a boyfriend, and that he would make comments about her looking "gorgeous" in her own clothes and "any boy would be lucky to have you". On one occasion, she stated that Mr Walker saw her and said "that outfit is gorgeous!" and called her "beautiful", and that those comments progressed to "my gorgeous [REDACTION]". She stated that he told her that she should be more like her friends who wore shorter skirts and tighter fitting tops, especially if she wanted a boyfriend. On other occasions, he would tell her that her friends' skirts were more like "belts" and that she was so much more mature and elegant. She stated that his comments on her appearance were a weekly occurrence, sometimes more, and would alternate between being positive and negative.

Pupil A stated that during her final year at the school, Mr Walker made more comments about her appearance than he usually made, commenting on how "skinny" or "slim" she

was and how good her exercise regime made her look saying that she was “stunning”, “gorgeous” and “very sexy”.

Mr Walker’s letter of 25 March 2019 stated that he would often make comments about students’ appearances; either changes of hair styles, non-uniform clothing issues, or how smart they looked when wearing concert dress. He stated that these comments were never malicious or suggestive in their nature, and were simply a feature of the complimentary, good humoured and well received rapport that he had with all students. Mr Walker admitted having said nice things to Pupil A and that he did this with all students to boost their confidence.

The panel preferred the evidence of Pupil A and found this allegation proven.

c) making one or more comments of a sexual and/or sexually suggestive nature;

Pupil A stated that in the summer term of 2011 she particularly noticed Mr Walker’s inappropriate jokes and innuendos. She stated that he was a brass player and made a lot of jokes about blowing that she did not really understand. Those jokes that she did understand, or could work out, shocked her. She described one incident when Mr Walker was eating a meringue that Individual A had baked and he said that it was “the nicest thing to touch his lips since that girl...” and that he repeated it a couple of times.

Pupil A also referred to a trip in a minibus that Mr Walker drove. She stated that he used a satnav that he had given a nickname that replicated a second version of her own name. When a pupil asked why he didn’t just turn the satnav off, he responded “because it took me ages to turn her on!”.

In oral evidence, Pupil A also referred to another example, when Mr Walker referred to “tonguing the flute”, that he then proceeded to have her friends explain the joke to her, and suggested that her lack of understanding of the joke might explain why she did not have a boyfriend.

Pupil A stated that Mr Walker began to have an increasing fascination with whether or not she had a boyfriend which began which she was in [REDACTION]. She said that this sometimes took the form of questioning, sometimes joking, and at times he would make comments that she believed were designed to upset her, for example, that she “could not get a boyfriend if [she] wanted to” and that she was “kidding [herself] to think it was [her] choice”.

Pupil A stated that Mr Walker enjoyed the attention that his comments and inappropriate jokes received. She described him as being a “showman”, and that he would repeat his jokes to ensure that they were heard. This description accorded with the description furnished by Individual A who referred to Mr Walker always having a story to tell, and that it always had to be a bit more entertaining than anyone else’s story. She too described him as a “showman”.

Mr Walker has denied ever making comments of a sexual and/or sexually suggestive nature towards Pupil A in his letter of 25 March 2019. In his statement of 23 October 2019, he stated that he would often say musical sayings/instructions that some of the more immature students would respond to, interpreting them as innuendo, and that the atmosphere in his lessons could sometimes be described as 'jokey'.

The panel preferred the evidence of Pupil A and found this sub-paragraph proven.

The panel went on to consider the stem of the allegation and whether the sub-paragraphs that the panel found to have occurred were inappropriate and unprofessional. The panel concluded that Mr Walker's conduct in respect of each of the sub-paragraphs was both inappropriate and unprofessional. The panel had regard to the evidence of the Individual A who told the panel that it would never be appropriate to act in the way alleged in paragraph a, nor to make comments of the nature alleged in paragraphs b and c.

The panel therefore found the entirety of allegation 1 proven.

Allegation 2

The panel found Child B to be a very compelling witness. Her account was supported by contemporaneous diary records. She was emotional in her account and, at times, the evidence she gave was harrowing, particularly with regard to the fear that she felt during the alleged incident on 7 December 2002. The panel understood that Child B had come forwards after recognising what had happened to her, during some training she was undertaking in the course of her professional career as a [REDACTION]. It was not the conclusion of the panel that Child B was a fantasist, as was put forward by Mr Walker in his statement of 23 October 2019 as a potential explanation for her bringing the allegations against him.

The panel observed the effect that Mr Walker's conduct had upon her which supported her credibility. She described that at the time, she believed that their relationship was special, and that it was only as she was older that she appreciated that she had been groomed and abused by him. The events began when she was 13 and continued until she was 15. She stated that she is left being unable to talk about her first sexual experience, which she will never have again, without terming it abusive. She described being furious that she has had to speak about those intimate details in court, with solicitors, with her family and with this panel. However, she told the panel that she has a fear that by not recognising his behaviour at the time and raising the alarm, that others may have been put at risk. She referred to her experience as devastating, and that it ought not have been for someone to use her for their own amusement, leaving her with the repercussions of that conduct.

In his letter of 25 March 2019, Mr Walker denied the allegations against him and relied upon the conclusion of the criminal trial that acquitted him of the charge against him.

The panel noted that Mr Walker had been selective in the transcripts and evidence of the criminal trial that he had chosen to submit for this hearing. He referred to matters upon which Child B was cross-examined, but the panel had not been provided with a transcript of Child B's evidence in chief in order to place that cross-examination in context. Similarly, he referred to the closing remarks of his barrister, but the panel did not have sight of the closing remarks of the barrister prosecuting the case.

In his letter of 25 March 2019, Mr Walker expressed his view that it was a case of mistaken identity by Child B.

The panel was satisfied that Child B had identified Mr Walker correctly. She stated that she recognised him both at the criminal trial and at an identity parade. The panel asked questions of Child B in relation to some internet searches she had conducted about him, having said in her police statement that she "googled Nick and I found a picture of him and he's worked as the head of music in an academy". Child B explained that after she had completed the training that prompted her recognition of his behaviour as abusive, she spoke with her husband and had carried out an internet search to find out what he was doing. She found that he was a teacher and described having felt angry and upset, and that it prompted her decision to telephone 'Rape Crisis'. She explained to the panel that she was working through the process of making decisions about what she wanted to do. The panel was satisfied that she did not carry out the search for the purpose of the identity parade. Child B went on to state that Mr Walker had looked different at the identity parade, as he had facial hair, but she stated clearly that she knew his face, and that at the trial, he was clean shaven as she remembered him.

In contrast to the compelling, harrowing and brave account by Child B, the panel had no opportunity to test the evidence of Mr Walker. In his statement of 23 October 2019, Mr Walker relied upon the statement of a fellow Royal Marine, who Child B had referred to in her police statement. However, the panel were also unable to test that individual's account, as he was not called as a witness. He referred to diary entries indicating that Child B and that fellow Royal Marine were in a relationship, but the panel did not consider that this negated the veracity of the evidence given by Child B in respect of Mr Walker.

2) Engaged in inappropriate and/or unprofessional behaviour in or around December 2001 – December 2002 towards Child B, who was at that time under 16 years old, including by;

a) making comments about her appearance on one or more occasions;

In her evidence, Child B described having met Mr Walker when she was 13 years old, in December 2000. She was a member of a [REDACTION] and he played in the Royal Marine band in an annual [REDACTION] in which they both took part. She described having a crush on another member of the band. She met both members of the band at the concert the following year during its run from 2 December 2001 to 7 December 2001. She described Mr Walker as being flirtatious and that the other member of the band had

introduced her to him. She stated that they were both flirtatious, 'huggy' and complimentary, that Mr Walker said that she was "looking gorgeous as ever". She described him asking her to feed him ice cream from little tubs during the interval of the concert and asked her to go to the pub with her. She described that she liked that Mr Walker thought of her as mature.

She went on to state that "During that concert he "was hugging me, holding my waist, calling me 'gorgeous' and 'beautiful', asking me to go to the pub." She described that she knew it was suggestive behaviour.

The panel was satisfied with the veracity of Child B's account and found, on the balance of probabilities that sub-paragraph a was proven.

b) mouthed 'love you' or words to that effect to her on or around 8 December 2001;

Child B described that Mr Walker mouthed to her that he "loved her" on 8 December during the concert.

The panel was satisfied with the veracity of Child B's account and found, on the balance of probabilities that sub-paragraph b was proven.

c) hugging and/or kissing her including on or around 8 December 2001;

In her police statement, Child B stated that on 8 December 2001, after the show, she and Mr Walker had "snogged after the show" and that she felt that it was quite loving.

The panel was satisfied with the veracity of Child B's account and found, on the balance of probabilities that sub-paragraph c was proven.

d) engaging in sexual activity with her on or around 7 December 2002 including by:

- i) digitally penetrating her;**
- ii) giving her oral sex;**
- iii) receiving oral sex from her;**
- iv) masturbating yourself in front of her;**

Child B stated that after the show on 8 December 2001, she had written a letter to Mr Walker asking if he had wanted to go for the drink that he'd suggested. She stated that on 21 December, she had a card from Mr Walker providing his mobile phone number. She stated that she sent a text message to him and that he called her and agreed they should meet up soon. She stated that he told her that he quite liked her and said that he could take her anywhere like 'heaven and back'; and that he was calling her 'honi' and

'gorgeous'. She stated that she had exchanged further text messages with him on 1 and 2 January 2002, and on 4 January, the day after her 15th birthday, that he texted her saying that he had got a 'satisfying' present for her. She stated that she had felt quite "freaked out" by some of these messages, but hadn't wanted to admit it, as she didn't want to seem immature.

On 7 December 2002, Child B stated that she and Mr Walker had agreed to go for a coffee before the [REDACTION] concert. She told her parents she was meeting another friend. She told Mr Walker that she didn't have ID to go to the pub that he was in, and he said they would go in his car. She described getting into his car, and that he drove to a corner of a car park. In oral evidence, she described it being dark, raining and that she didn't feel that she could get out of the car. She told the panel that she had lied to her parents as to where she was. Whilst she stated she didn't want to feel stupid, she didn't know what would happen to her if she tried to get out of the car, and she told the panel that she didn't want to end up "[REDACTION]".

Child B's statement recorded that they were talking and snogging, and that Mr Walker had unbuttoned her shirt and "touched her boobs"; that she had said she didn't want to have full sex. She stated that he pulled up her skirt and laughed at the stockings she was wearing; that he had digitally penetrated her; gave her oral sex; that he exposed his erect penis and invited her to "try it"; that she had given him oral sex; then he masturbated himself and ejaculated into a handkerchief. She described being shocked by the noises he had made.

Child B explained to the panel that she had been at the start of exploring her sexuality. She described the experience as terrifying and that afterwards, when he drove her to the car park of the venue in which she was performing, she had had to walk across the car park and felt like everyone knew what had happened, and that she sat in the toilet cubicle and cried.

The panel was satisfied with the veracity of Child B's account and found, on the balance of probabilities that sub-paragraph d was proven.

The panel found the stem of allegation 2 proven in that Mr Walker's conduct was inappropriate given the age of Child B at the time. Had Mr Walker been a teacher at the time, the panel would have also found that behaviour to be unprofessional, but since he had not joined the profession then, the panel was unable to find that it was unprofessional.

3) Your behaviour as may be found proven at Allegations 1) and/or 2) above was conduct of a sexual nature and/or was sexually motivated.

With regard to Pupil A, the panel was satisfied that Mr Walker's behaviour was conduct of a sexual nature and/or sexually motivated. The panel asked itself whether a reasonable person would consider that, because of its nature, his conduct may be sexual, and

because of its circumstances or his purpose in relation to it, it is sexual. The panel understood that the state of Mr Walker's mind could not be proven by direct observation, and that it could only be proved by inference or deduction from surrounding evidence. The panel was satisfied that from the time that Mr Walker hugged Pupil A in the studio, that his action was conduct of a sexual nature. Whilst a comforting hug might have been understandable given her state of upset, Pupil A described that he pulled her so close that her face was by his groin. There could be no other explanation for him to do this, other than a sexual one. The panel accepted that Pupil A had viewed Mr Walker's actions as paternal, but that this was a consequence of her naivety at the time.

It was apparent to the panel that Mr Walker developed an intimacy with Pupil A, acting differently with her when she was on her own, than when she was with others and treating her differently to her fellow pupils. It was also apparent to the panel that his physical contact towards her shifted after she turned 16, and his actions in cupping her breasts during his hugs with her was more likely than not for his own gratification as it would not have been a natural hug. His squeezing of her leg on numerous occasions could not be explained by accidentally missing the gearstick. It was apparent to the panel that Mr Walker had an increasing fascination about whether she had a boyfriend with no legitimate reason for this interest and that this was suggestive that he was receiving sexual gratification from those conversations. The panel noted that he complimented her on her appearance but at times would make negative comments, such that Pupil A became dependent upon his comments for her self-worth and confidence. The panel found this manipulative, and that he was encouraging a dependence upon him that more likely than not was for his own sexual gratification.

Ultimately, his conduct towards Pupil A culminated in a kiss on the lips after she visited the school [REDACTION]. She described him rushing towards her, and it appears that his excitement in seeing her resulted in him kissing her on her lips. Again, the description of rushing towards her, someone that he had cultivated a relationship with in pursuit of sexual gratification, is suggestive that the kiss was also for his own self-gratification.

With regard to Child B, the panel was satisfied that Mr Walker's behaviour was conduct of a sexual nature and/or sexually motivated. The culmination of the contact between Child B and Mr Walker in sexual acts indicated that a reasonable person would consider that contact to be by its nature sexual, and that both his actions in the lead up to and during the encounter on 7 December 2001 were either in pursuit of sexual gratification or in pursuit of a future sexual relationship.

The panel found that Mr Walker's behaviour in respect of the conduct found proven at allegation 1 and 2 was both conduct of a sexual nature and sexually motivated.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that with regard to Pupil A, the conduct of Mr Walker, in relation to the facts found proved after July 2011 when Teachers Standards came into force, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Walker 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- 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.

With regard to Mr Walker’s conduct towards Pupil A prior to the coming into force of Teachers Standards, the panel had regard to its knowledge and experience as to the teaching standards at that time, and considered that the teacher pupil boundary had been an important one then, and that Mr Walker had breached this in his conduct towards Pupil A.

The panel was satisfied that the conduct of Mr Walker in relation to Pupil A amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Walker’s conduct in relation to Pupil A displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of sexual activity was relevant.

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 noted that allegation 1a(v) took place outside the education setting. However, it occurred when he was giving her a lift home, and both she and her parents were entitled to expect that she would be safe in his car. It was unacceptable for a teacher to squeeze the knee of a pupil within his car.

Accordingly, the panel was satisfied that Mr Walker was guilty of unacceptable professional conduct in respect of his conduct in relation to Pupil A.

With regard to the conduct found proven in respect of Pupil A, 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 that 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 Walker's actions with regard to Pupil A constituted conduct that may bring the profession into disrepute.

With regard to the allegations found proven in respect of Child B, whilst Mr Walker was not a teacher at the time, it is illegal for anyone to engage in such sexual activity with a child aged 15. This falls significantly short of the standards of behaviour of the profession that Mr Walker went on to join. Nevertheless, the panel was unable to declare that his behaviour in relation to Child B constituted unacceptable professional conduct since he could not be expected to abide by the standards of a profession that, at that time, he had not joined.

With regard to the conduct found proven in respect of Child B, 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 that they behave. The conduct displayed by Mr Walker prior to his joining the profession would likely have a negative impact on his status as a teacher, and would in all likelihood damage the public's perception of him, thereby bringing the profession that he went on to join into disrepute. The panel had no doubt that pupils, parents and others in the community would not consider it acceptable for a member of the teaching profession to

have a history of engaging in sexual activity with a child, and that this would cause concern about the safeguarding of children of a similar age in his care.

The panel also considered whether Mr Walker's conduct in relation to Child B displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of sexual activity was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel, therefore, found that Mr Walker's conduct in relation to Child B constituted conduct that may bring the profession into disrepute.

Having found the facts of all the particulars proved, the panel further found that Mr Walker's conduct in relation to Pupil A amounted to unacceptable professional conduct and that his conduct in relation to Pupil A and Child B amounted to conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order 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 the following to be relevant in this case, the protection of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Walker, which involved manipulating Pupil A; cultivating her dependency upon him for his own sexual gratification; and pursuing a sexual relationship with Child B, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Walker 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 Walker was outside that which could reasonably be tolerated.

The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Walker in the profession as although he may have had some ability as an educator, he fundamentally breached the trust placed in him.

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 Walker.

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 Walker. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- ...other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

The panel considered that Mr Walker had a deep seated attitude since he had demonstrated a sexual interest in teenage girls over a sustained period of time, beginning with Child B in 2001/2002 and continued this behaviour in the period 2010 – 2014 as demonstrated by his actions with regard to Pupil A. His actions towards Pupil A breached his position of trust as a teacher. As an adult in a position which gave him access to children, he abused that position by engaging in a sexual relationship with Child B.

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.

The panel has found that Mr Walker's actions were deliberate, calculated and sexually motivated.

There was no evidence to suggest that Mr Walker was acting under duress.

The panel did not consider that Mr Walker to have a previously good history given its findings with regard to Child B. However, the panel accepted that there were no findings by any previous teacher misconduct panel and that as an educator, Individual A described him as being a "good teacher"; that he was hardworking; that he put in extra time and conducted extra-curricular activities relating to Music with the pupils at the school.

No testimonial statements have been produced by Mr Walker attesting to his good character or ability as a teacher.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Walker 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 Walker. These matters have had a significant long term impact on both Pupil A and Child B. Child B was, at the time, terrified by the ordeal she suffered during the incident in which sexual activity took place. He cultivated a dependency in Pupil A so that she relied upon him for her emotional well-being. Both witnesses have had to recount what had happened to them. These were all significant factors for the panel in forming its 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 behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or. The panel found that Mr

Walker was responsible for the most serious degree of sexual misconduct, having abused his position as a teacher to exploit Pupil A, a pupil he knew to be vulnerable, and having formed a sexual relationship with Child B when she was a child.

Mr Walker has demonstrated no acceptance of guilt, and no remorse or contrition for his behaviour.

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 provision 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 the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute in relation to Pupil A and that conduct that may bring the profession into disrepute in relation to Child C.

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

In particular, the panel has found that Mr Walker 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
 - showing tolerance of and respect for the rights of others
- 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 finds that the conduct of Mr Walker fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of engaging in inappropriate and/or unprofessional behaviour with a pupil and a child, conduct found to be of a sexual nature and/or was sexually motivated.

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 and conduct that may 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 Walker, and the impact that will have on him, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Walker has demonstrated no acceptance of guilt, and no remorse or contrition for his behaviour." In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts future pupils at risk. 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, "In the light of the panel's findings against Mr Walker, which involved manipulating Pupil A; cultivating her dependency upon him for his own sexual gratification; and pursuing a sexual relationship with Child B, there was a strong public interest consideration in respect of the protection of pupils." I am particularly mindful of the finding of inappropriate relationships with a child in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, 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 Walker himself and “The panel did not consider that Mr Walker to have a previously good history given its findings with regard to Child B. However, the panel accepted that there were no findings by any previous teacher misconduct panel and that as an educator, Individual A described him as being a “good teacher”; that he was hardworking; that he put in extra time and conducted extra-curricular activities relating to Music with the pupils at the school”. A prohibition order would prevent Mr Walker 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 impact this conduct had on the pupil and the child and the panel commented “The panel decided that the public interest considerations outweighed the interests of Mr Walker. These matters have had a significant long term impact on both Pupil A and Child B. Child B was, at the time, terrified by the ordeal she suffered during the incident in which sexual activity took place. He cultivated a dependency in Pupil A so that she relied upon him for her emotional well-being. Both witnesses have had to recount what had happened to them”.

I have also placed considerable weight on the finding of the panel that Mr Walker did not provide any evidence to show insight or remorse for his actions and the impact on Pupil A and Child B.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Walker 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 remorse or 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 that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or. The panel found that Mr Walker was responsible for the most serious degree of sexual misconduct, having abused his position as a teacher to exploit Pupil A, a pupil he knew to be vulnerable, and having formed a sexual relationship with Child B when she was a child.”

I have considered whether allowing no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, two factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the impact on both the pupil and child and the lack of either 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 Nicholas Walker 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 Walker 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 Walker 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.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Dated: 24 June 2021

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