



Teaching
Regulation
Agency

Mr Tobias James Yates: Professional conduct panel meeting outcome

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

August 2022

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	5
Documents	5
Statement of agreed facts	6
Decision and reasons	6
Findings of fact	6
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	13

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

Teacher:	Mr Tobias James Yates
Teacher ref number:	0972638
Teacher date of birth:	25 March 1988
TRA reference:	18568
Date of determination:	15 August 2022
Former employer:	Chellaston Academy, Derby (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 15 August 2022 by Microsoft Teams, to consider the case of Mr Tobias James Yates.

The panel members were Mr Stephen Chappel (lay panellist – in the chair), Ms Juliet Berry (lay panellist) and Ms Jackie Hutchings (teacher panellist).

The legal adviser to the panel was Ms Anna Marjoram of Eversheds Sutherland (International) LLP solicitors.

- In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Yates that the allegations be considered without a hearing. Mr Yates provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Yates or his representative.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 13 May 2022.

It was alleged that Mr Tobias Yate was guilty of having been convicted of a relevant offence, in that:

1. On 16 August 2019, he was convicted of causing or inciting a child to engage in sexual activity by a person in a position of trust between 27 June 2019 and 1 July 2019, contrary to Section 17(1) of the Sexual Offences Act 2003.
2. On 16 August 2019, he was convicted of making indecent photographs of children between 1 January 2016 and 1 January 2019, contrary to Section 1(1)(a) of the Protection of Children Act 1978.
3. On 16 August 2019, he was convicted of making indecent photographs of children between 1 January 2016 and 1 January 2019, contrary to Section 1(1)(a) of the Protection of Children Act 1978.
4. On 16 August 2019, he was convicted of making indecent photographs of children between 1 January 2016 and 1 January 2019, contrary to Section 1(1)(a) of the Protection of Children Act 1978.
5. On 17 December 2019, he was convicted of sexual activity with a child on 1 August 2014, contrary to Section 9(1) of the Sexual Offences Act 2013.
6. On 17 December 2019, he was convicted of sexual activity with a child on 13 March 2015, contrary to Section 9(1) of the Sexual Offences Act 2003.
7. On 17 December 2019, he was convicted of sexual activity with a child by a person in a position of trust on 8 April 2016, contrary to Section 16(1) of the Sexual Offences Act 2003.
8. On 17 December 2019, he was convicted of sexual activity with a child by a person in a position of trust on 2 June 2016, contrary to Section 16(1) of the Sexual Offences Act 2003.
9. On 17 December 2019, he was convicted of causing or inciting a child to engage in sexual activity between 1 December 2013 and 31 December 2017, contrary to Section 10(1) of the Sexual Offences Act 2003.
10. On 17 December 2019, he was convicted of causing or inciting a child to engage in sexual activity by a person in a position of trust between 1 December 2013 and 31 December 2017, contrary to Section 17(1) of the Sexual Offences Act 2003.
11. On 17 December 2019, he was convicted of sexual activity with a child by a person in a position of trust on 13 March 2017, contrary to Section 16(1) of the Sexual Offences Act 2003.
12. On 17 December 2019, he was convicted of taking indecent photographs of a child on 8 April 2016, contrary to Section 1(1)(a) of the Protection of Children Act

1978.

13. On 17 December 2019, he was convicted of possessing an extreme pornographic image on 1 July 2019, contrary to Section 63(1) of the Criminal Justice and Immigration Act 2008.
14. On 6 March 2020, he was convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 16(1) of the Sexual Offences Act 2003.
15. On 6 March 2020, he was convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 16(1) of the Sexual Offences Act 2003.
16. On 6 March 2020, he was convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 6(1) of the Sexual Offences Act 2003.
17. On 6 March 2020, he was convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 16(1) of the Sexual Offences Act 2003.
18. On 6 March 2020, he was convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 16(1) of the Sexual Offences Act 2003.

Mr Yates admitted the facts of the above 18 allegations, and he admitted that he was convicted (at any time) of a relevant offence in respect of each of the convictions listed in allegations 1 to 18.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 1 to 2

Section 2: Notice of referral and response – pages 3 to 24

Section 3: Statement of agreed facts and presenting officer representations – pages 25 to 32

Section 4: Teaching Regulation Agency documents – pages 33 to 116

Section 5: Teacher documents – pages 117 to 123

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Yates and the presenting officer on 4 April 2022.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Yates for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Tobias Yates was employed as a mathematics teacher at the School from 1 September 2011.

On 1 July 2019, the police attended the School and Mr Yates was arrested on suspicion of causing and inciting a girl under the age of 18 to engage in sexual activity. Mr Yates was subsequently investigated by the police: his classroom was searched, and a number of his devices were seized.

The School terminated its contract with Mr Yates on 15 July 2019.

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:

It was alleged that you were guilty of having been convicted of a relevant offence, in that:

- 1. On 16 August 2019, you were convicted of causing or inciting a child to engage in sexual activity by a person in a position of trust between 27 June 2019 and 1 July 2019, contrary to Section 17(1) of the Sexual Offences Act 2003.**

2. On 16 August 2019, you were convicted of making indecent photographs of children between 1 January 2016 and 1 January 2019, contrary to Section 1(1)(a) of the Protection of Children Act 1978.
3. On 16 August 2019, you were convicted of making indecent photographs of children between 1 January 2016 and 1 January 2019, contrary to Section 1(1)(a) of the Protection of Children Act 1978.
4. On 16 August 2019, you were convicted of making indecent photographs of children between 1 January 2016 and 1 January 2019, contrary to Section 1(1)(a) of the Protection of Children Act 1978.
5. On 17 December 2019, you were convicted of sexual activity with a child on 1 August 2014, contrary to Section 9(1) of the Sexual Offences Act 2013.
6. On 17 December 2019, you were convicted of sexual activity with a child on 13 March 2015, contrary to Section 9(1) of the Sexual Offences Act 2003.
7. On 17 December 2019, you were convicted of sexual activity with a child by a person in a position of trust on 8 April 2016, contrary to Section 16(1) of the Sexual Offences Act 2003.
8. On 17 December 2019, you were convicted of sexual activity with a child by a person in a position of trust on 2 June 2016, contrary to Section 16(1) of the Sexual Offences Act 2003.
9. On 17 December 2019, you were convicted of causing or inciting a child to engage in sexual activity between 1 December 2013 and 31 December 2017, contrary to Section 10(1) of the Sexual Offences Act 2003.
10. On 17 December 2019, you were convicted of causing or inciting a child to engage in sexual activity by a person in a position of trust between 1 December 2013 and 31 December 2017, contrary to Section 17(1) of the Sexual Offences Act 2003.
11. On 17 December 2019, you were convicted of sexual activity with a child by a person in a position of trust on 13 March 2017, contrary to Section 16(1) of the Sexual Offences Act 2003.
12. On 17 December 2019, you were convicted of taking indecent photographs of a child on 8 April 2016, contrary to Section 1(1)(a) of the Protection of Children Act 1978.
13. On 17 December 2019, you were convicted of possessing an extreme pornographic image on 1 July 2019, contrary to Section 63(1) of the Criminal Justice and Immigration Act 2008.

- 14. On 6 March 2020, you were convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 16(1) of the Sexual Offences Act 2003.**
- 15. On 6 March 2020, you were convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 16(1) of the Sexual Offences Act 2003.**
- 16. On 6 March 2020, you were convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 6(1) of the Sexual Offences Act 2003.**
- 17. On 6 March 2020, you were convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 16(1) of the Sexual Offences Act 2003.**
- 18. On 6 March 2020, you were convicted of sexual activity with a child by a person in a position of trust between 1 May 2019 and 30 June 2019, contrary to Section 16(1) of the Sexual Offences Act 2003.**

These allegations were admitted by Mr Yates and were supported by evidence presented to the panel within the bundle, notably the certificates of conviction. The panel accepted the convictions as conclusive proof of both the convictions and the facts necessarily implied by the convictions. The allegations were therefore found proved.

Findings as to conviction of a relevant offence

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to conviction of a relevant offence.

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

The panel was satisfied that the conduct of Mr Yates, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Yates 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; and
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
 - Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the individual's actions were relevant to teaching, working with children and/or working in an education setting. The offences involved Mr Yates' pupils and the abuse of his teaching position, sometimes occurring within the classroom.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Yates' behaviour in committing the offences would be likely to affect public confidence in the teaching profession if he was allowed to continue teaching.

The panel noted that Mr Yates' behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence".

This was a case concerning an offence involving sexual activity / sexual communication with a child / activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents / controlling or coercive behaviour.

The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence". The panel considered that this was a very serious case involving numerous, significant offences – all of which were to be considered relevant.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Yates and whether a prohibition order is

necessary and proportionate. 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 a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Yates which involved numerous convictions of relevant offences, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with children, grooming and Mr Yates' abuse of his position of trust, particularly noting the vulnerability of the children involved.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Yates were not treated with the utmost seriousness when regulating the conduct of the profession, particularly as Mr Yates had sought to exploit his position of trust and specifically against young, vulnerable pupils.

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 Yates was far outside that which could reasonably be tolerated.

The panel carefully considered the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest. The panel had regard to the seriousness of the convictions, and the coercive and manipulative behaviour displayed by Mr Yates in committing the offences. The panel also considered the prolonged period of offending to be relevant.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are “relevant matters” for the purposes of the Police Act 1997 and criminal record disclosure;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils)
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, 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;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- failure to act on evidence that indicated a child’s welfare may have been at risk, e.g., failed to notify the designated safeguarding lead and/or make a referral to children’s social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;
- a deep-seated attitude that leads to harmful behaviour; and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

In light of the panel’s findings, there was evidence that Mr Yates’ actions were deliberate.

There was no evidence to suggest that Mr Yates was acting under extreme duress - for example a physical threat or significant intimidation - and, in fact, the panel found Mr Yates' actions to be calculated and motivated.

The panel considered there was no evidence that Mr Yates had reflected on his behaviours or showed any remorse for his actions.

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 Yates 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 Yates. Mr Yates' abuse of position and exploitation of 2 vulnerable students aged between [redacted], particularly the fact that the panel considered he was coercive and manipulative in his relentless personal communications with those students, were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include: serious sexual misconduct, for example 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 persons; any sexual misconduct involving a child; and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. The panel found that Mr Yates was responsible for the most serious sexual misconduct with children, and specifically children with whom he had held a position of trust but had exploited their vulnerabilities; as well as the taking and possession of indecent images of children and the possession of extreme pornographic images.

Accordingly, the panel considered this case was one that fit well within the conduct indicated in the Advice where it was likely a review period was not appropriate.

As noted above, the panel did not consider that Mr Yates had shown any insight into the extent of his offending behaviour nor any remorse for his actions. The panel's view that a review period was not appropriate was reinforced as it could not be confident that Mr Yates would not repeat the behaviours.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Tobias Yates 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; and
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Yates, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE), particularly when considering Part 1 of that guidance - failure in duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children.

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

The findings of misconduct are particularly serious as they include relevant and numerous convictions of sexual activity with a child, taking and possessing indecent photographs of a child and possessing an extreme pornographic image.

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 findings, 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 Yates, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Yates which involved numerous convictions of relevant offences, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with children, grooming and Mr Yates' abuse of his position of trust, particularly noting the vulnerability of the children involved." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "the panel did not consider that Mr Yates had shown any insight into the extent of his offending behaviour nor any remorse for his actions." In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour, and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Yates were not treated with the utmost seriousness when regulating the conduct of the profession, particularly as Mr Yates had sought to exploit his position of trust and specifically against young, vulnerable pupils.” I am particularly mindful of the seriousness of the conviction involving vulnerable children 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 Yates himself, although the panel did not comment on Mr Yates’ experience and contribution as a teacher, however a prohibition order would prevent Mr Yates 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 seriousness of this case “The panel carefully considered the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher’s behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest. The panel had regard to the seriousness of the convictions, and the coercive and manipulative behaviour displayed by Mr Yates in committing the offences. The panel also considered the prolonged period of offending to be relevant.”

I have also placed considerable weight on the finding of the panel that “Mr Yates’ abuse of position and exploitation of 2 vulnerable students aged between [redacted], particularly the fact that the panel considered he was coercive and manipulative in his relentless personal communications with those students, were significant factors in forming that opinion”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Yates has made to the profession. In my view, it is necessary to impose a prohibition

order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse and insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

The published Advice is clear when considering serious sexual misconduct with children. This is a serious cases involving vulnerable children, which ultimately led to a sentence of imprisonment. The behaviour involved in committing the offence would have an impact on the safety and/or security of pupils.

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

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

I have considered the panel's comments "The panel found that Mr Yates was responsible for the most serious sexual misconduct with children, and specifically children with whom he had held a position of trust but had exploited their vulnerabilities; as well as the taking and possession of indecent images of children and the possession of extreme pornographic images. Accordingly, the panel considered this case was one that fit well within the conduct indicated in the Advice where it was likely a review period was not appropriate." The panel has also said "a review period was not appropriate was reinforced as it could not be confident that Mr Yates would not repeat the behaviours."

Factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings involving children and the lack of insight and 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 Tobias Yates 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 Yates 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 Tobias Yates 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: Sarah Buxcey

Date: 17 August 2022

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