



Teaching  
Regulation  
Agency

# **Mr Stefan Joao Goncalves: Professional conduct panel outcome**

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

**September 2022**

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

<b>Teacher:</b>	Mr Stefan Joao Goncalves
<b>Teacher ref number:</b>	3838950
<b>Teacher date of birth:</b>	1 October 1993
<b>TRA reference:</b>	17606
<b>Date of determination:</b>	3 October 2022
<b>Former employer:</b>	Hilltop Primary Academy, Kent

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 26 September 2022 to 3 October 2022 by way of a virtual hearing, to consider the case of Mr Stefan Joao Goncalves.

The panel members were Mr Gamel Byles (teacher panellist – in the chair), Ms Hannah Fellows (lay panellist) and Mr Rob Allan (lay panellist).

The legal adviser to the panel was Ms Natalie Kent of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson LLP solicitors.

Mr Goncalves was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 29 April 2022.

It was alleged that Mr Goncalves was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed at Hilltop Primary Academy ('the School') between September 2016 and September 2018:

1. Between July 2017 - July 2018, he failed to maintain appropriate professional boundaries with one or more pupils and/or ex pupils, including:
  - a) In relation to Pupil A, by:
    - i. Telling him he was 'special' and/or that he was 'more than pupil-teacher, you were friends' or words to that effect;
    - ii. Pulling him out of lessons to speak to him and/or going to his lessons to speak to him;
    - iii. Holding and/or touching his hand;
    - iv. Cuddling and/or tickling him;
    - v. Touching and/or stroking his leg;
    - vi. Touching and/or stroking his face;
    - vii. Whispering in his ear;
    - viii. Giving him one or more presents;
    - ix. Visiting him at his home in or around January-February 2018;
    - x. Spending time with him alone, including in the 'container' on or around 25 May 2018.
  - b) In relation to Pupil B by:
    - i. Giving and/or offering to give him lifts;
    - ii. Asking to take him out bowling;
    - iii. Asking him to keep a secret relating to a residential trip in [redacted];
    - iv. Giving him a card which referred to him as 'my superstar captain' and signed 'love Mr G x' in or around October 2017;
    - v. Giving him a present;
    - vi. Touching and/or holding his leg;
    - vii. Cuddling him;
    - viii. Telling him that he loved him and/or that he was 'a good looking boy';
    - ix. Sledging with him outside of school.

- c) In relation to Pupil D, by:
- i. Telling him that he felt closer to him than other boys because he was more mature or words to that effect;
  - ii. Giving him a present;
  - iii. Putting his arm around him and/or whispering in his ear;
  - iv. Asking to take him out for lunch;
  - v. Telling him that he was one of the reasons he wanted to leave the school yet one of the reasons he wanted to stay, or words to that effect.
- d) In relation to Pupil E, when he was leaving and/or was no longer a pupil at the School, by;
- i. Giving him a card, with a picture of himself and Pupil E on, which said:
    1. 'I am extremely determined to keep you in my life'
    2. 'I've never really seen you as a student but more as a little brother!';
    3. 'I've never connected with a child like I have with you...'
    4. 'You are a very special person!'
  - ii. When Pupil E was no longer a pupil, asking to meet him outside of school hours and/or take him for lunch;
  - iii. Giving him a present.
- e) By taking photographs and/or videos of Pupil A and/or Pupil B and/or Pupil C and/or Pupil D and/or Pupil E on his personal mobile phone.

2. His conduct at allegation 1a and 1b, if proven, was conduct of a sexual nature and/or was sexually motivated.
3. One or more elements of his behaviour as may be found proven at 1 above were contrary to specific advice and/or guidance he had been given as part of a first formal written warning on or around 28 March 2018.

Mr Goncalves provided no admission of fact to the TRA. However, the panel noted that Mr Goncalves, as part of a police investigation, admitted a number of the allegations, although he denied being sexually attracted to children.

## Preliminary applications

### Application to proceed in the absence of the teacher

Mr Goncalves was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Goncalves.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of R v Jones [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly GMC v Adeogba).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Goncalves in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession April 2018 (the “2018 Procedures”).

The panel concluded that Mr Goncalves’ absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Goncalves had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Goncalves was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Goncalves was neither present nor represented.

### Application re: hearsay evidence

The presenting officer made an application for admission of additional documents comprising:

- Witness statement of Mother C;
- Email from Individual K dated 21 March 2019;
- Statement of Individual J dated 22 March 2018;
- Note of incident involving the teacher;
- Note of Individual L dated 27 March 2018;
- LADO meeting minutes dated 5 June 2018; and

- LADO meeting minutes dated 5 July 2018.

Together this documentation comprised “Bundle 2 – Evidence subject to application admissibility”.

The presenting officer made both written and oral submissions in respect of this application.

The presenting officer submitted that whilst these documents were not considered late evidence, in that they had been served upon the Mr Goncalves in accordance with paragraph 4.20 of the 2018 Procedures, the documents were to be considered hearsay evidence as the authors were not being called by the TRA.

In addition, the presenting officer made an application for Pupil B’s witness statement be treated as hearsay evidence as he did not wish to attend and give oral evidence at the hearing. It is noteworthy that Pupil B was [redacted] when Mr Goncalves was his PE teacher and the alleged incidents occurred.

The presenting officer submitted that Mr Goncalves had been made aware of the documentation and subsequent application and had not opposed this. In addition Mr Goncalves has not disputed the allegations or facts contained within the hearsay evidence.

The presenting officer, on behalf of the TRA, relied upon paragraph 4.18 of the 2018 Procedures, which allows for the admission of any evidence, including hearsay evidence, where it is fair to do so and which may reasonably be considered to be relevant to the case. The presenting officer submitted that in all the circumstances it would be fair for the panel to admit the witness statements and exhibits of Pupil B as hearsay evidence, which are relevant to the allegations before the panel. The panel can then decide, having considered all of the evidence, the appropriate weight to be placed upon the evidence relating to Pupil B.

The panel heard the legal advice in respect of Thorneycroft and El Karout. The panel considered that there were good reasons why the witnesses had not attended the hearing and noted that it would not be practical or efficient for the TRA to call every witness. The panel was mindful that the hearsay evidence was not the “sole and decisive” evidence in respect of any particular allegation and that the reliability of the evidence could therefore be tested through the questioning of other witnesses.

On this basis, and in particular as Mr Goncalves had received all of the documentation and had not opposed to its admission, the panel found that it was fair to admit the hearsay evidence in the circumstances. The panel was mindful that when assessing the evidence before it, it would need to make a determination as to the weight which was given to that evidence.

## Application to anonymise witnesses

The presenting officer made a further application for the witnesses to be anonymised.

The presenting officer submitted that the panel had the power to do so under paragraph 4.60 of the 2018 Procedures and submitted that allowing these witnesses to be named would create a risk that the pupils identities would become known, particularly in the local area where they are at school. The presenting officer submitted that there was no prejudice to the teacher in permitting the anonymisation of witnesses and he would be aware of the author of the statement such that he could respond to the evidence and participate if he so chose.

The panel heard the legal advice in respect of Todner and Miller and in particular the principle that a witness with no interest in the proceedings has the strongest claim to protection. The panel did not consider there would be any prejudice to Mr Goncalves in allowing the anonymity of the witnesses, particularly where otherwise vulnerable pupils could be identified.

On this basis, the panel determined that it was fair to anonymise the witnesses and allowed the presenting officer's application.

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 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 2018 Procedures in this case.

## **Summary of evidence**

### **Documents**

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

- Section 1: Anonymised pupil list and chronology – pages 7 to 8
- Section 2: Notice of hearing and response – pages 10 to 16
- Section 3: TRA witness statements – pages 18 to 60
- Section 4: TRA documents – pages 62 to 214
- CCTV evidence



- Video footage

In addition, the panel agreed to accept the following:

- Bundle 2 – Evidence subject to application admissibility – pages 3 to 25
- Email from Mother B to the presenting officer dated 22 September 2022 – provided separately
- Email from the presenting officer to Mr Goncalves dated 22 September 2022 – provided separately

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

## **Witnesses**

The panel heard oral evidence from the following witnesses called by the TRA:

- Mother A – Mother of Pupil A
- Mother B – Mother of Pupil B
- Mother D – Mother of Pupil D
- Mother E – Mother of Pupil E
- Witness F – [redacted]
- Witness G – [redacted]
- Witness H – [redacted]
- Witness I – [redacted]

## **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 Goncalves began working at Hilltop Primary Academy ('the School') on 5 September 2016.

Between July 2017 and July 2018 alleged misconduct occurred towards Pupils A, B, C, D and E.

On 28 March 2018, an official written warning and guidance was provided to Mr Goncalves in respect of his conduct towards pupils and he attended additional safeguarding training on 17 April 2018.

Between 25 May 2018 and 29 May 2018, employees at the School raised concerns about Mr Goncalves' conduct towards Pupil A.

Between May and September 2018, police investigated an offence of sexual assault. No further action was taken.

On 28 September 2018, Mr Goncalves resigned from his position at the School with immediate effect.

## **Findings of fact**

The findings of fact are as follows:

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

**1. Between July 2017 - July 2018, you failed to maintain appropriate professional boundaries with one or more pupils and/or ex pupils, including:**

**a) In relation to Pupil A, by:**

- i. Telling him he was 'special' and/or that you were 'more than pupil-teacher, you were friends' or words to that effect;**
- ii. Pulling him out of lessons to speak to him and/or going to his lessons to speak to him;**
- iii. Holding and/or touching his hand;**
- iv. Cuddling and/or tickling him;**
- v. Touching and/or stroking his leg;**
- vi. Touching and/or stroking his face;**
- vii. Whispering in his ear;**
- viii. Giving him one or more presents;**
- ix. Visiting him at his home in or around January-February 2018;**
- x. Spending time with him alone, including in the 'container' on or around 25 May 2018.**

The panel noted the witness statement and oral evidence of Witness F. Witness F submitted that, in December 2017, he was made aware that Mr Goncalves had been taking children into the conference room and speaking to them on a 1:1 basis. Witness F spoke to Mr Goncalves about this and informed him that this was not permitted or part of his role and that he was placing himself at risk of an allegation being made against him.

During his oral testimony, Witness F stated that at this stage, he perceived Mr Goncalves' behaviour as naïve and that Mr Goncalves had not appreciated how this behaviour could be perceived by others.

On 19 March 2018, Witness F was made aware that Witness G, [redacted], had reported concerns about Mr Goncalves' behaviour towards Pupil A. Witness G had reported her concerns to Individual J, [redacted], on Friday 16 March 2018 as Witness F was unavailable. Witness F met with Witness G on 19 March 2018 and she explained that when Witness H, [redacted], was absent, Mr Goncalves used every opportunity to work alongside Pupil A even though this was not his role. Witness G explained to Witness F that she felt Mr Goncalves was invading Pupil A's space by leaning close, putting his arm around him and tickling him.

Witness F was also made aware by Individual M, [redacted], that Mr Goncalves had not shown up at 1pm on the Friday afternoon to take the Year 4 class for a swimming lesson. Witness F reviewed the CCTV from 16 March 2018 and found footage of Mr Goncalves sitting with Pupil A for a period of approximately 15 minutes around this time whilst Pupil A was eating his lunch. Witness F submitted that the footage showed Mr Goncalves cuddling Pupil A and either kissing him or whispering in his ear. Witness F understood that although Mr Goncalves subsequently went over to the swimming pool, he was unable to explain why he had been late. Mr Goncalves was timetabled to remain at the swimming pool between 1pm to 3pm, but he returned to the [redacted] class at around 2pm and spent a further 5 minutes with Pupil A. During his oral testimony, Witness F submitted that this would not be normal and that the risk assessments were carried out to ensure a safe ratio of staff to children in the pool and that Mr Goncalves should not have left.

Later that week, Witness F submitted that further concerns were brought to his attention. On 22 March 2018, Mr Goncalves was found with Pupil A by Individual J in a room with the blinds down, lights off and door closed. Individual J reported that when she went into the room, Mr Goncalves had been sitting on the floor at Pupil A's feet and Pupil A had been crying. Individual J had gone to look for them after Witness G had reported to her that Mr Goncalves had taken Pupil A out of the classroom and she had been unable to find them.

On Friday 23 March 2018, Mr Goncalves attended an informal meeting with [redacted]. Mr Goncalves admitted that he had taken Pupil A out of class and stated that this was because there had been an incident between Pupil A and another pupil on the playground earlier in the day and he wanted to talk to Pupil A due to him still being upset. Mr Goncalves admitted that they had gone into a room where the blinds were down and that he had not switched the light on. He also admitted that they had been sitting in an area of the room which was not visible to those walking past. [Redacted] informed Mr

Goncalves that his behaviour could be deemed a disciplinary offence or a safeguarding breach and that he was seeking advice from the local authority and The Greenacre Academy Trust (the "Trust").

Later that day, Mr Goncalves attended a meeting with Witness F and Individual L, [redacted]. Witness F and Individual L discussed the recent incidents of concern with Mr Goncalves. They discussed what had been captured on the CCTV on 16 March 2018 and Individual L informed Mr Goncalves that this was not professional and not acceptable in a school setting. Following this meeting, Mr Goncalves was provided with a formal written warning. Mr Goncalves attended 1:1 additional safeguarding training session on Tuesday 17 April 2018.

On 25 May 2018, Witness F received an email from Witness H raising further concerns about Mr Goncalves' relationship with Pupil A. Witness F reviewed an email from Witness H's [redacted], Witness G, on 29 May 2018 setting out her concerns. Witness F reviewed the CCTV footage and provided a copy of all clips to the local authority and he recalled that a police officer also viewed the clips.

Witness F met with Mr Goncalves on 4 June 2018 and suspended him pending an investigation. Witness F submitted that during this meeting Mr Goncalves had appeared calm and explained that he was "tactile with people and children". Witness F submitted how Mr Goncalves had sought to explain his behaviour as just "being their friend".

Witness F subsequently attended a joint evaluation meeting on 5 June 2018 which had been arranged by the Local Authority Designated Officer (LADO). It was decided that the police would undertake further investigations at that time.

On 8 June 2018, Witness F met with Pupil A's mother and she informed him of a number of concerns which she had regarding Mr Goncalves and her son.

Within his oral testimony, Witness F submitted that whilst he had initially put Mr Goncalves' behaviour down to being naïve and a new teacher, once he had been warned about how it could be perceived, Witness F no longer felt this could be described as naivety and stated that "it just looked wrong" and that this "wasn't the behaviour of someone who was working with children".

The panel noted the witness statement and oral evidence of Witness G. Witness G submitted that Mr Goncalves' role was to work 1:1 with a different allocated pupil with special educational needs (SEN), whilst herself and Witness H would work with other groups in the classroom. Between November 2017 and March 2018, Witness G did not recall having any concerns regarding Mr Goncalves; Witness G described Mr Goncalves

as being friendly with certain boys, who were all very sports focussed, but she did not think anything of it at the time.

Around March 2018, Witness H was on a period of leave from the School and during her absence, Witness G became particularly concerned about the way Mr Goncalves was behaving towards Pupil A. Witness G noted that Mr Goncalves increasingly came to remove Pupil A from class so that he could speak to him. Witness G explained that Mr Goncalves, at first, would say "I need to take [Pupil A]" but on subsequent occasions removed Pupil A from class without saying anything. Witness G reported that this would happen multiple times during the week, initially for a period of 5 to 10 minutes but then for increasingly longer periods of time and recalls one occasion where he removed Pupil A from the classroom for 20-25 minutes of the lesson.

Witness G further submitted that, during this time, when Mr Goncalves came to help in the class, he would always sit next to Pupil A despite the fact he was supposed to be helping another pupil. Witness G submitted in her oral testimony that there was no reason why Mr Goncalves should focus so much time on Pupil A as he was "more than capable of doing the work on his own", whereas Mr Goncalves had specifically been allocated to a SEN pupil who did require 1:1 support. Witness G explained that when Mr Goncalves was working with Pupil A, he would lean close to him, putting his arm around him and tickle him. Witness G described in her oral evidence that Mr Goncalves would tickle Pupil A on his lower waist, under his armpits and under his neck. Witness G accepted that there would be times when a teacher/teaching assistant might touch a pupil, for example if you were joking around or comforting them, but Witness G felt that Mr Goncalves' actions were for a prolonged period of a few minutes and that he repeatedly invaded Pupil A's personal space on multiple occasions. Witness G reported her concerns to Individual J.

Witness G recalled seeing Mr Goncalves eating lunch with Pupil A in the corridor outside the classroom and observed him stroking Pupil A's face; Mr Goncalves stroked down Pupil A's cheek with the back of his fingers and then with the palm of his hand.

Witness G recalled a further incident which she believed occurred around the same time, when Mr Goncalves was due to take the Year 4 class for a swimming lesson. Witness G explained that whilst the classes were swapping over, Mr Goncalves came away from the swimming lesson to the [redacted] classroom. Witness G recalled Mr Goncalves being soaking wet and not having any shoes on as he had come straight from the pool. Mr Goncalves then took Pupil A out of the class to speak with him for, she perceived, no reason and, in doing so, Mr Goncalves was positioned extremely close to him.

On 22 March 2018, Witness G submitted that Mr Goncalves was helping pupils with literacy whilst Witness H was absent. Mr Goncalves was sat with a group of pupils, which

did not include Pupil A. However, Mr Goncalves asked another pupil to move from his seat and placed him at another table on his own. Mr Goncalves proceeded to ask Pupil A to sit next to him, and they were sat close to each other, with their shoulders touching. Later that same day, Mr Goncalves came into the classroom and said to Pupil A, "I need to speak to you". Witness G noticed that after 2pm, Pupil A had not returned. Witness G reported this to Individual N, [redacted], who told her to find Mr Goncalves and Pupil A. Witness G submitted that she checked the library, PPA room, staff room, music mobile and conference room but was unable to locate them. Witness F later told Witness G to inform Individual J, which she did before returning to class.

Pupil A returned to class after around 2.15pm. Witness G recalled Pupil A being upset and she believed he had been crying. When Witness G asked Pupil A if he was okay, he said he was fine and it was apparent to Witness G that he did not want to talk to her about what had happened. Witness G was informed the following day that Pupil A and Mr Goncalves had been found in the Key Stage 1 corridor. Within her oral evidence Witness G submitted that the Key Stage 1 corridor was a quiet area away from the [redacted] classrooms.

Witness G submitted that, even after reporting such concerns, further incidents occurred involving Mr Goncalves and Pupil A. In addition to taking Pupil A out of class, Mr Goncalves would also ask to take Pupil B, Pupil C and Pupil D.

On 25 May 2018, there were three incidents involving Pupil A. Firstly, Witness G reported that whilst she was covering a lesson, Pupil A had work to complete as he had been out of school at a sporting event the previous day. Mr Goncalves came into the classroom and removed Pupil A from the lessons for about 10-15 minutes. After they returned to the classroom, Mr Goncalves repeatedly came in and out of the lesson, squatting next to Pupil A, talking to him and laughing. Pupil A did not finish his work as a result.

Later that day, Witness G submitted that the class were building Anderson shelters in groups. Mr Goncalves was not due to be helping but she saw him sitting "uncomfortably close" to Pupil A. Mr Goncalves was playing with his shoulder, tickling him, whispering in his ear and giggling.

At the end of the day, Witness H had taken most of the class out to the playground to be collected by their parents whilst Witness G was with the pupils who were staying for after school sports clubs. Mr Goncalves came to the corridor outside of the classroom and asked a couple of the pupils to pump up some balls for him, then said to Pupil A, "you can come down to the container with me". Mr Goncalves was standing behind Pupil A as he said this and put his hands on Pupil A's shoulders from behind to lead him out. They proceeded to walk towards the door that would lead down to the field where the container was and Mr Goncalves still had his hands on Pupil A's shoulders. Witness G submitted

that she perceived Pupil A's demeanour during this interaction as "withdrawn". Witness G stated that she was very uncomfortable about this and informed Witness H when she returned to the classroom.

The panel noted the witness statement and oral evidence of Witness H. Witness H explained that during the 2016/2017 academic year, Mr Goncalves helped pupils with literacy; Mr Goncalves had achieved a good grade for English in his exams and was good at sharing his knowledge and helping the children, particularly those who struggled with the subject. Witness H described Mr Goncalves as being very supportive of the pupils and at this stage, she did not have any concerns about his ability to maintain appropriate professional boundaries.

During the second year of Mr Goncalves assisting Witness H's class, Witness H submitted that she was aware he had already built a rapport with some of the new cohort of [redacted] pupils through teaching PE, taking after school sports clubs and arranging their participation in [redacted]. Witness H submitted that Mr Goncalves had built a rapport with Pupil A, Pupil D and Pupil B in particular. Witness H began noticing that Mr Goncalves was over-familiar with these pupils and there appeared to be no physical boundaries; he would touch them, hug them, ruffle their hair and engage in too much tactile behaviour. By October of that year, Witness H noticed that Mr Goncalves always seemed to be around those particular pupils and thought to herself, "hang on, I've done this job a long time, something doesn't feel right".

Witness H spoke to Mr Goncalves about her concerns on 15 November 2017, and prior to this spoke to Individual J. Witness H explained that she told Mr Goncalves that he was being too overfamiliar and that other staff members had also noticed it. Witness H specifically mentioned Pupil A, Pupil B and Pupil D. Witness H explained it was the constant touching of the boys whenever they were near him that she had noticed and she also explained that other members of staff had begun to question why he was being so tactile with these boys, especially Pupil A. Witness H submitted that Mr Goncalves seemed "genuinely shocked" that she had brought this to his attention and told Witness H that he did not realise his behaviour would be viewed like that.

Witness H submitted that initially she felt things did improve and Mr Goncalves had followed her advice. However, over time, Mr Goncalves began to act in an overfamiliar manner again. Witness H explained that Mr Goncalves would come into the classroom at the end of the day on the pretence he had to tell one of the boys something about sports club. Witness H did not think it was necessary for him to do this and the pupils appeared to already know what they were being told.

During the Christmas period, Witness H was made aware that Mr Goncalves had given presents to only certain pupils. Witness H explained that it is not unusual for teachers to

give pupils presents, however normally the same gift would be given to each pupil in the class.

Witness H continued to have concerns regarding Mr Goncalves' behaviour towards Pupil A including touching him, tripping him up and persistently wanting to speak to him. On 25 May 2018, Witness H was in a design and technology lesson with her class where they were making Anderson shelters. Mr Goncalves was not allocated to assist in her class at this time, but at some point during the lesson Witness H noticed that Pupil A was not with his group and later found Pupil A sitting on a stool outside of the classroom. Mr Goncalves was standing between Pupil A's legs, reaching for things from across the table. Witness H submitted that she then confronted Mr Goncalves and told him that if he had time to help, she had other groups who required assistance and he could help them. She further submitted that he declined and went back to his lesson planning. Later, however, Pupil A's group went back outside into the corridor and Witness H observed Mr Goncalves had returned and was hugging Pupil A and chatting to him.

Witness H submitted that she felt that she did not have the opportunity to engage and build a rapport with Pupils B, C and D but particularly Pupil A as it was as if Mr Goncalves had formed a "protective bubble" around them. Witness H submitted that she felt it was impossible to speak to Pupil A without Mr Goncalves "engineering his way into the conversation".

The panel noted the witness statement and oral evidence of Mother A. The panel found Mother A to be a clear, credible and consistent witness. The panel felt that Mother A was speaking very naturally and they did not feel like her recollections were embellished or exaggerated at all.

Mother A submitted that around December 2017, she became concerned about things Mr Goncalves was doing which she did not consider to be normal behaviour for a teacher. Mother A recalled one occasion at a school football match when Mr Goncalves was quite upset with the children and in turn had upset them. Mother A had picked Pupil A and Pupil D up from school to take them to another football game and could tell they were upset. When Mother A asked Pupil A and Pupil D what was wrong, they informed her that Mr Goncalves had got them in a room and said "you don't care, you don't show appreciation, the only one who seems to care is [Pupil A]." Mr Goncalves further said that he felt they were friends and they needed to show him more appreciation. Mother A spoke to Mr Goncalves about this and he commented "We've gone past teacher-pupil relationship, we're now friends." Mother A responded with words to the effect of "They're not your friends, you're their teacher."

Mother A recalled a further occasion where Mr Goncalves had come to watch a football match, outside of the school setting, in which Pupil A, Pupil D and Pupil B were playing.



As Pupil A was walking off the pitch, Mr Goncalves handed him £5. When questioned, Pupil A stated that Mr Goncalves had bet him that he would not score against Pupil B's team, which he had. Mother A submitted that, after the match, Mr Goncalves hung around as if he was trying to get an invite to the clubhouse.

After Christmas, Mother A submitted that there was a day when Pupil A had returned home from school as he had been ill. Mr Goncalves later came to Pupil A's home with a bag; the bag appeared to be "one of those sort of promotional string bags". Mother A further submitted that it was not Pupil A's bag and "might have had something like a certificate in it but it was nothing of significance that Pupil A needed at that time". Mother A submitted that Mr Goncalves hung around at the door, as if he wanted to be invited in. Mother A did not invite Mr Goncalves into the house and Pupil A did not come to the door as he was ill.

Mother A explained that on another occasion when she attended a parents evening, Mr Goncalves told her that Pupil A felt that his family did not love him. Mother A did not consider this was true, as his family had a very close relationship with Pupil A. Mother A believed that Mr Goncalves was trying to put a barrier between Pupil A and his family. Upon speaking to Pupil D's mother, Mother A noted that Mr Goncalves had told her and her husband the same thing. Around the same time, Mother A contacted the mothers of the children Mr Goncalves appeared to be pulling to one side, including Pupil C, Pupil B and Pupil D. Mother D agreed that they needed to contact the school about Mr Goncalves' behaviour, but the other parents were more reluctant and thought he was just enthusiastic, cared about the pupils and "had their best interests at heart".

In March 2018, Mother A was asked to come into the school and she was informed by Witness F that the School had concerns about Mr Goncalves' behaviour towards Pupil A. Mother A informed the School that she had her own concerns and explained that Mr Goncalves had turned up at her house, had given Pupil A presents and had watched football matches outside of School. Mother A submitted that, after she had spoken to the School, Mr Goncalves contacted her via Facebook.

After Pupil A had spoken to the police, he disclosed to his mother that Mr Goncalves had held his hand, stroked his leg and cuddled him. Mother A also submitted within her witness statement how Pupil A had told her other things Mr Goncalves would say and do, including betting on football matches with him, telling him he was "special above all the other boys" and that he cared about him.

Mother A attended the police station on 29 June 2018 as part of an investigation into Mr Goncalves and she reported her concerns regarding Mr Goncalves' behaviour towards Pupil A, Pupil B, Pupil C and Pupil D.

The panel noted the witness statement and oral evidence of Witness I, as she was then. Witness I submitted that, on 5 June 2018, her colleague attended a LADO joint evaluation meeting to consider concerns which had been raised in relation to Mr Goncalves. Following the report, the headteacher of the School identified CCTV footage which showed Mr Goncalves engaging in physical contact with Pupil A. Witness I was allocated the case and made arrangements to visit the School.

On 6 June 2018, Witness I attended the School and met with Witness F. Witness I. Witness I viewed and was provided with copies of the CCTV footage. Upon viewing the CCTV footage, Witness I felt that contact between Mr Goncalves and Pupil A was overly close. The CCTV showed Mr Goncalves touching Pupil A by hugging, stroking his face, instigating holding his hand, whispering/kissing his ear and disappearing into a container for some time. Witness I considered the CCTV to show sexual assault by touching. During the school visit, Witness I also spoke to Pupil A; Witness I reported that Pupil A appeared to be very cagey about Mr Goncalves, stating that Mr Goncalves “hugs him and it is wrong”.

Witness I explained that on 13 June 2018, Mr Goncalves attended the police station and was interviewed under caution. The panel noted the transcript of this interview, which was submitted as part of the bundle. Witness I submitted that Mr Goncalves stated that he accepted that his behaviour breached a warning he was given by the School in March 2018, about being alone with pupils. Mr Goncalves, however, denied being sexually attracted to children. Mr Goncalves accepted, when asked whether someone watching the incident with Pupil A when sitting at the dining table, could construe the situation as odd, responded by stating, “yes, I understand that perception”.

The panel noted the transcripts of Mr Goncalves’ interviews with both the School and the police. Within those interviews, and in particular the police interview, Mr Goncalves made a number of admissions in respect of his conduct with Pupil A. Within the police interview Mr Goncalves admitted that he had held Pupil A’s hand once or twice, stroked his hair, hugged him on many occasions, made a bet with him and bought him, and three others, an extra Christmas present to thank them for the hard work they’d put in throughout the year.

The panel also reviewed CCTV footage which showed Mr Goncalves interacting with Pupil A and in particular showed him taking him out of the classroom for a 1:1 discussion, putting his arm around Pupil A’s shoulder, nudging Pupil A in the corridor, touching Pupil A’s face and trying to get something out of his hand, whispering in Pupil A’s ear, instigating holding Pupil A’s hand and going down to the PE container together.

The panel considered each aspect of the alleged conduct in turn:

**i. Telling him he was ‘special’ and/or that you were ‘more than pupil-teacher, you were friends’ or words to that effect;**

The panel noted that Mother A’s witness statement corroborated the first part of the allegation and she submitted that Pupil A had disclosed to her that Mr Goncalves had told him he was “special”. Whilst this was hearsay evidence and no statement had been provided by Pupil A, the panel considered that Pupil A had no reason not to be truthful in his disclosure to his mother.

In respect of the second part of the allegation, that Mr Goncalves had told Pupil A that they were more than a pupil-teacher and that they were friends, the panel had not been presented with evidence that this had been said to Pupil A. The evidence, which included Mother A’s statement and the WhatsApp group chat between parents, suggested that Mr Goncalves had said this to Mother A during the discussion she had had with him following his assertion that the pupils did not appreciate him.

Notwithstanding the above, the panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**ii. Pulling him out of lessons to speak to him and/or going to his lessons to speak to him;**

The panel found that this allegation was corroborated by both Witness H and Witness G in their witness evidence. Both of their evidence was that there was no legitimate reason for Mr Goncalves to remove Pupil A from lessons.

The panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries. In particular the panel was concerned that this amounted to Pupil A missing a substantial amount of learning time which was not in his best interests.

**iii. Holding and/or touching his hand;**

The panel had the benefit of CCTV footage which showed one occasion on which Mr Goncalves had held Pupil A’s hand. In addition, Mr Goncalves admitted this allegation within his police interview. As detailed further within allegation 2, the panel did not find Mr Goncalves’ explanation that he was examining Pupil A’s dirty nails credible and therefore found no legitimate reason for this conduct.

The panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**iv. Cuddling and/or tickling him;**

The panel noted Witness G' evidence in respect of Mr Goncalves tickling Pupil A. The panel felt she had provided a clear demonstration of these actions.

The panel also viewed CCTV footage of Mr Goncalves hugging Pupil A which matched the description which Mother A had provided of Mr Goncalves giving Pupil A a "man hug" at football matches.

The panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**v. Touching and/or stroking his leg;**

The panel was only able to rely on Mother A's hearsay evidence of the disclosure Pupil A had made to her in respect of this allegation.

Notwithstanding this, the panel considered that Mother A had been a measured witness and, given the context and pattern of behaviour, found that, on the balance of probabilities, it was more likely than not that this conduct had occurred as alleged. The panel also found that this would amount to a failure to maintain professional boundaries.

**vi. Touching and/or stroking his face;**

The panel was provided with CCTV evidence of Mr Goncalves touching Pupil A's face. In addition, Witness G demonstrated during her live evidence how Mr Goncalves had stroked Pupil A's face in a deliberate and delicate manner, such that it could not be described as a brush. Again there was no legitimate reason or explanation for this physical contact.

The panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**vii. Whispering in his ear;**

The panel was provided with CCTV evidence of Mr Goncalves whispering in Pupil A's ear and were concerned to note that Mr Goncalves appears to have had Pupil A in a headlock so that he could not move away from him.

On this basis, the panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**viii. Giving him one or more presents;**

The panel heard several witnesses speak to the Christmas presents which Mr Goncalves provided to Pupil A, Pupil B and Pupil D. These were football related gifts relating to their favourite football team. The panel heard from Witness H that Mr Goncalves only bought these personalised gifts for specific pupils and not the remainder of the class which she considered inappropriate.

The panel also heard the evidence of Mother A who described how Mr Goncalves had given Pupil A £5 at a football match after he had “bet” Pupil A that he would not score. The panel considered that this also amounted to a gift.

The panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries as the panel considered that this highlighted his favouritism towards Pupil A and the other Pupils.

**ix. Visiting him at his home in or around January-February 2018;**

The panel heard Mother A’s detailed evidence in respect of this allegation, including that her daughter had filmed Mr Goncalves at the door as she had found it so “weird”. The panel also heard from Mother A that there was nothing in the bag which Mr Goncalves had delivered that Pupil A needed and there was no reason why he had had to bring it that evening.

The panel also heard the evidence of Witness F that there were strict protocols and policies surrounding home visits and a teacher should not do this without the senior leader team being informed beforehand. There was no evidence that Mr Goncalves had sought the advice or permission of senior staff in respect of this visit. Witness F further submitted that whilst all staff would be able to access the SIMS database through the School office if necessary, this would not have been an acceptable reason to obtain a pupil’s address.

On this basis, the panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**x. Spending time with him alone, including in the ‘container’ on or around 25 May 2018.**

The panel was provided with CCTV evidence which showed Mr Goncalves and Pupil A walking towards the container alone and does not show them returning for a period of at least a few minutes.

The panel also heard the evidence of Witness G who described the circumstances which led up to Mr Goncalves and Pupil A being alone in the container and her submission that there was no reason not to take the other pupils down to the container at the same time.

The panel found that this was one example on which they could find this allegation proven but were mindful that there were many others, including when Individual J had found Mr Goncalves and Pupil A in a room with the door shut and blinds drawn.

On this basis, the panel found this allegation proven and also found that, particularly in light of the warning he had previously received regarding this conduct, this would amount to a failure to maintain professional boundaries.

The panel therefore found allegation 1(a)(i-x) proven.

- b) In relation to Pupil B by;**
  - i. Giving and/or offering to give him lifts;**
  - ii. Asking to take him out bowling;**
  - iii. Asking him to keep a secret relating to a residential trip in [redacted];**
  - iv. Giving him a card which referred to him as ‘my superstar captain’ and signed ‘love Mr G x’ in or around October 2017;**
  - v. Giving him a present;**
  - vi. Touching and/or holding his leg;**
  - vii. Cuddling him;**
  - viii. Telling him that you loved him and/or that he was ‘a good looking boy’;**
  - ix. Sledging with him outside of school.**

The panel noted the witness statement and oral evidence of Mother B, who they found to be a clear and credible witness. Mother B submitted that Mr Goncalves attended a number of football matches, on at least 15 different occasions, which did not involve the School or Mr Goncalves.

Mother B recalled that Mr Goncalves had given Pupil B a birthday card in October 2017 in which he wrote, “I hope you have a brilliant birthday, my superstar captain! Keep being amazing! Love Mr G x”. Mother B submitted that at the time she thought it was a “bit strange that a teacher would send such a personal card”. Mother B further stated that, “Pupil B felt a bit embarrassed as he’d been singled out” and that the card had “made him feel that he was being treated differently”.

On 25 November 2017, Mother B was working and had arranged with Pupil E's parents that they would take Pupil B to and from a football match. After Pupil B returned home, he told Mother B that Mr Goncalves had brought him home and that Mr Goncalves had said to Pupil E's dad that it would be easier for him to drop Pupil B home. Mother B was aware that Mr Goncalves only lived two streets away, but she had never given him her address. Pupil B had told his dad that he had wanted Pupil E's dad to take him home. Later, Pupil E's dad called Mother B and apologised; he stated that Mr Goncalves was insistent and that he should have said no and brought Pupil B home himself. Mother B recalled thinking that this was strange, as he was a teacher and should not be allowed to be alone in a car with a pupil.

Around Christmas 2017, whilst waiting to pick Pupil B up from an after school club, Mr Goncalves spoke to Mother B. Mr Goncalves stated that he wanted to take Pupil B and Pupil E out for something to eat and to go bowling or maybe to a football match. Mother B explained that she was taken aback by this. Mother B stated that she did not have any intention of allowing this, but said she would check with Pupil E's mum. Pupil E's mum said no, and when Mr Goncalves asked again Mother B informed him that he could not take the boys out. Mr Goncalves asked Mother B on further occasions and she always said no.

Mother B submitted that for Christmas 2017, Mr Goncalves gave Pupil B a Christmas present which was a [redacted] teddy bear and plaque. Mother B further submitted that in February 2018, Pupil B brought a letter home asking for permission for Pupil B to attend wellbeing and other exercises with Mr Goncalves. At the time, Mother B assumed that this had been sent to all parents and that Witness F was aware of it. However she later learnt that this was not the case.

On 27 February 2018, it had snowed and the school was closed. Mr Goncalves sent a tweet from the School account, asking what everyone was doing in the snow. Mother B replied saying that Pupil B was at Broomhill Park. Mr Goncalves later contacted Mother B saying he was at the park and sent a video of himself with Pupil B going down a hill together on a sledge. Mother B recalled thinking this was odd. Pupil B informed Mother B that it was embarrassing that Mr Goncalves went down the sledge with him as he had been out with his friends. Mr Goncalves had also contacted Mother B on Facebook a number of times previously, despite them not having been connected on Facebook as friends.

On 15 March 2018, Pupil B left school crying along with a number of other pupils, including Pupil A, Pupil C and Pupil D. Pupil B informed Mother B that Mr Goncalves had upset him saying that he wouldn't be their friend as they obviously didn't appreciate him, Pupil B stated that Mr Goncalves had said "he was the only one who gave a shit about them."

Mother B submitted that on one occasion Pupil B said that he was going to tell her something but he couldn't as it was a secret. Mother B told Pupil B that they don't have secrets and he then disclosed that Mr Goncalves had told him that at the upcoming residential trip, he would take Pupil B away for a period of time to attend the [redacted] Mother B recalled this conversation vividly as she recalls being adamant that this wasn't going to happen and that they had paid a lot of money for the trip. Mother B recalled feeling "quite upset that a teacher was asking a pupil to keep secrets from parents" as she "didn't think this was the right way to act".

Within her oral testimony, Mother B stated that this was the conversation that made her concerned about Mr Goncalves because of "how uncomfortable Mr G made [Pupil B] feel to the point that [Pupil B] didn't want to upset him because Mr G had told him he was like a brother to him."

Within her written statement, Mother B stated that "Pupil B told me that sometimes when Mr G had upset him he would cuddle him with his hands on his lower back. He showed me that this was just above where his bum would start."

The panel noted the witness statement of Pupil B. Pupil B submitted that he felt there were pupils who Mr Goncalves got on better with and there were four in particular who he really liked including himself, Pupil A, Pupil C and Pupil D. Pupil B recalled that Mr Goncalves would tell him he was "like a little brother". Pupil B explained that Mr Goncalves would give them presents. Pupil B explained that part way into the year, he started to stay back with Mr Goncalves in a room when the other pupils went to assembly. Initially, Mr Goncalves would talk to them about getting "burn out", but would also speak about other stuff including the cup final football match and what they wanted to do in PE.

Pupil B stated that Mr Goncalves offered to take him to the clubs before school. During the journeys, they would speak about cross country and future sporting events. Pupil B noted that on the third or fourth journey, he felt it was "weird". Mr Goncalves was driving and tapped Pupil B's leg; Pupil B explained this was the inside of his leg near the groin. Pupil B did not like this and told his mum that he no longer wanted Mr Goncalves to take him to school.

Pupil B submitted that he recalled one time in a basketball club whereby Mr Goncalves spent the whole session talking to Pupil A. Pupil B felt this was weird. Pupil B also submitted that there were times when Mr Goncalves upset him, when Mr Goncalves said things to the effect of "we didn't give a shit about him, we didn't care about him and that we did nothing for him".

Pupil B submitted that Mr Goncalves put him through so much stress in [redacted] and he felt that no teacher should make a pupil cry or refer to them as their "little brother".



The panel considered each aspect of the alleged conduct in turn:

**i. Giving and/or offering to give him lifts;**

The panel heard the evidence of Mother B in respect of this allegation and were also provided with Facebook messages between Mr Goncalves and Mother B in relation to lifts.

Of particular concern to the panel was the submission of Mother B that, she having arranged for Pupil E's parents to take Pupil B home following a football match, Mr Goncalves instead "insisted" on taking Pupil B home alone in his car without seeking Mother B's consent to do so. Mother B submitted how Pupil E's father had felt that this was not right and had telephoned Mother B to apologise that he had allowed this to happen.

The panel noted that there was an absence of evidence to suggest that Mr Goncalves had sought the advice of senior colleagues in respect of this conduct.

On this basis, the panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**ii. Asking to take him out bowling;**

The panel heard evidence from Mother B that on at least 10 occasions Mr Goncalves had asked her if he could take Pupil B bowling or out for lunch, either at the weekends or during the school holidays.

The panel was mindful that this behaviour was also reported by the other mothers in respect of their children.

On this basis, the panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**iii. Asking him to keep a secret relating to a residential trip in [redacted];**

The panel was provided with the witness statement of Pupil B which was to be treated as hearsay evidence as he did not provide live evidence. Notwithstanding, the panel gave considerable weight to his evidence as it was largely corroborated by other witnesses and by disclosures he had made to his mother at the time. In respect of those disclosures, the panel did not consider Pupil B had reason to fabricate the allegations and it was clear he liked Mr Goncalves and it was clear from the disclosures themselves that Pupil B did not want to get him in trouble.

Both Pupil B and Mother B gave evidence relating to this allegation. The panel found Mother B's evidence in respect of this clear and consistent and her oral evidence was vivid as this conduct had clearly caused her significant concern at the time.

On this basis, the panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**iv. Giving him a card which referred to him as 'my superstar captain' and signed 'love Mr G x' in or around October 2017;**

The panel was provided with photographs of the card and on this basis found this allegation proven. The panel also found that this would amount to a failure to maintain professional boundaries.

**v. Giving him a present;**

The panel heard several witnesses speak to the Christmas presents which Mr Goncalves provided to Pupil A, Pupil B and Pupil D. These were football related gifts relating to their favourite football team. The panel heard from Witness H that Mr Goncalves only bought these personalised gifts for these pupils and not the remainder of the class which she considered inappropriate.

The panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries as the panel considered that this highlighted his favouritism towards Pupil B and the other pupils.

**vi. Touching and/or holding his leg;**

The panel heard from Mother B how, at the time, Pupil B had informed her he didn't wish to accept the morning lifts with Mr Goncalves anymore and saw the Facebook messages which were sent in respect of this. The panel also heard how Pupil B did not disclose at the time why this was but at a later date, following a residential trip, disclosed that this was because Mr Goncalves had touched his inner thigh and it had made him feel "weird". The panel considered the timing of this disclosure and whether there was a possibility of collusion amongst the pupils. However, given that Pupil B had previously made the excuses to avoid the lifts with Mr Goncalves, the panel found that this was a credible and plausible explanation.

The panel also had before it Pupil B's evidence in respect of this.

Therefore, on the balance of probabilities, and given that Pupil B had sought to remove himself from the situation previously, the panel found this allegation was more likely than

not to have occurred and found the allegation proven. The panel also found that this would amount to a failure to maintain professional boundaries.

**vii. Cuddling him;**

The panel heard the evidence of Mother B in respect of this allegation, which she submitted that Pupil B disclosed to her following the residential trip. The panel noted that this allegation was not addressed within Pupil B's evidence.

Notwithstanding that the evidence in support of this allegation was hearsay evidence, on the balance of probabilities, the panel found this allegation was more likely than not to have occurred and found the allegation proven, particularly given the detailed explanation Mother B had provided of the disclosure. The panel also found that this would amount to a failure to maintain professional boundaries.

**viii. Telling him that you loved him and/or that he was 'a good looking boy';**

The panel noted that this allegation was contained only within Mother B's police statement and was not included within either the statement which Mother B provided to the TRA or Pupil B's witness statement. The panel was wary that this appeared to be a vague and unsubstantiated comment at the end of Mother B's police statement and no detail was provided in respect of it.

On this basis, the panel did not feel it had sufficient evidence before it to find that either of these statements had been made to Pupil B by Mr Goncalves. The panel found this allegation not proven.

**ix. Sledging with him outside of school.**

The panel had been provided with the video which Mr Goncalves had sent Mother B which showed Pupil B sat between Mr Goncalves' legs on a sledge.

On this basis the panel found this allegation proven. The panel also found that this would amount to a failure to maintain professional boundaries.

The panel therefore found allegation 1(b)(i-vii) and (ix) proven. The panel found allegation 1(b)(viii) not proven.

**c) In relation to Pupil D, by:**

**i. Telling him that you felt closer to him than other boys because he was more mature or words to that effect;**

- ii. **Giving him a present;**
- iii. **Putting your arm around him and/or whispering in his ear;**
- iv. **Asking to take him out for lunch;**
- v. **Telling him that he was one of the reasons you wanted to leave the school yet one of the reasons you wanted to stay, or words to that effect.**

The panel noted the witness statement and oral evidence of Mother D, who the panel considered a clear and measured witness. Mother D submitted that she became aware of Mr Goncalves when Pupil D was [redacted]. Mr Goncalves asked if Pupil D could represent the school at [redacted]; Mother D was surprised by this, as usually [redacted] pupils are involved with [redacted].

Around November, there was an occasion when Pupil D told Mother D “Mr G pulled me aside today and said he feels closer to me than the other boys as I am more mature.” Pupil D said Mr Goncalves had also told him that he feels he could trust Pupil D and tell him anything. Mother D told Pupil D that Mr Goncalves comments were strange. Initially, Mother D mentioned her concern to her mother, who told Mother D this was not right and that she did not like the sound of what was being said.

After this, Pupil D received a Christmas present from Mr Goncalves. Mother D submitted that this was “like a [redacted] Christmas football gift bag which had a [redacted] teddy bear and a [redacted] wall mount with some sort of postcode on it”. Mother D recalled that she had messaged some other mothers as she “wanted to make sure Pupil D wasn’t being singled out”. At around the same time, Mr Goncalves mentioned that he wanted to take Pupil D, together with Pupil A, Pupil B and Pupil C, to “lunch or a football game”. Mother D recalled that this caught her off guard, although she did not have a chance to respond to Mr Goncalves.

Mother D also recalled further incidents where she had seen Mr Goncalves put his arm around Pupil D and whisper in his ear. When Mother D asked Pupil D what had been said, Pupil D would say “oh nothing”. Mother D witnessed Mr Goncalves being very “touchy” with the four boys (Pupils A, B, C, and D), for example, if they scored a goal he would put his arms around their shoulders or ruffle their hair. At some point after this, Mother D recalled receiving a Facebook message from Mr Goncalves saying that he had found a bag and asking if Pupil D would be okay without it.

Mother D asked to speak to Mr Goncalves around March/April 2018 regarding the amount of before and after school clubs Pupil D was asked to participate in. Mother D was concerned that he was exhausted. Mother D explained that she felt the sporting activities were becoming relentless; Mr Goncalves wanted the pupils to attend before and after school clubs and Pupil D did not want to say no. Mr Goncalves asked Pupil D to be present during the conversation, and Mother D described Mr Goncalves tone as “quite aggressive in nature”.

Mother D explained that, around a similar time, Mr Goncalves mentioned that he would like to take pupil D to lunch and told her that one of the boys' mums had agreed. Mother D ignored this request.

On a separate occasion, around April 2018, Pupil D informed Mother D that Mr Goncalves had told him he was thinking of leaving the school as he had been offered another job. Pupil D stated that Mr Goncalves had told the boys it was up to them to decide whether he stayed or not. Pupil D further reported to Mother D that Mr Goncalves had told them "you are the reason I want to go yet you are the reason I want to stay." Mother D submitted that it was this conversation which "really started ringing alarm bells" as she submitted that this was not something you would expect an adult, let alone a teacher, to say to a child.

The panel considered each aspect of the alleged conduct in turn:

**i. Telling him that you felt closer to him than other boys because he was more mature or words to that effect;**

The panel found Mother D to be a consistent and measured witness and considered her oral and written evidence in addition to the email which she sent to Witness I at the time of the police investigation.

The panel heard from Mother D that this disclosure had been made by Pupil D with no prompt or context and that she remembers it vividly as she was "fuming".

The panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**ii. Giving him a present;**

The panel heard several witnesses speak to the Christmas presents which Mr Goncalves provided to Pupil A, Pupil B and Pupil D. These were football related gifts relating to their favourite football team. The panel heard from Witness H that Mr Goncalves only bought these personalised gifts for these pupils and not the remainder of the class which she considered inappropriate.

The panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries as the panel considered that this highlighted his favouritism towards Pupil D and the other pupils.

**iii. Putting your arm around him and/or whispering in his ear;**

The panel heard Mother D's evidence of how she had witnessed Mr Goncalves carrying out this behaviour. The panel noted that her description was similar to the behaviour which had been captured on CCTV in respect of Pupil A.

On this basis and on the balance of probabilities, the panel found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**iv. Asking to take him out for lunch;**

The panel heard Mother D's evidence in which she submitted that Mr Goncalves had repeatedly asked her if he could take Pupil D for lunch. This was consistent with other witnesses who had submitted that he had repeatedly asked the same in respect of the other pupils.

On the balance of probabilities, the panel found that this conduct was more likely than not to have occurred and therefore found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**v. Telling him that he was one of the reasons you wanted to leave the school yet one of the reasons you wanted to stay, or words to that effect.**

The panel heard Mother D's witness evidence in respect of the disclosure which Pupil D had made to her relating to this allegation.

The panel also had before it evidence from other witnesses in respect of this conversation and in particular Pupil B who recalled how upset all of the pupils were after Mr Goncalves told them that they didn't care about him and that they did nothing for him.

The panel also noted that this conversation had triggered the WhatsApp discussion between the parents of the pupils and in particular noted Mother D's comment within that group that she was "really not happy about the intensive emotional stress he's putting on the boys."

In light of the corroborative witness evidence and the contemporary evidence in the WhatsApp conversation, the panel found that on the balance of probabilities, it was more likely than not that Mr Goncalves had used the alleged words or words to that effect.

The panel therefore found allegation 1(c)(i-v) proven.

**d) In relation to Pupil E, when he was leaving and/or was no longer a pupil at the School, by;**

**i. Giving him a card, with a picture of you and him on, which said:**

**1. 'I am extremely determined to keep you in my life'**

2. **'I've never really seen you as a student but more as a little brother!';**
  3. **'I've never connected with a child like I have with you...'**
  4. **'You are a very special person!'**
- ii. **When Pupil E was no longer a pupil, asking to meet him outside of school hours and/or take him for lunch;**
  - iii. **Giving him a present;**

The panel noted the witness statement and oral evidence of Mother E, who they found a clear, consistent and credible witness.

Mother E reported that she did not have concerns about Mr Goncalves' behaviour towards Pupil E until after he had left the School. When Pupil E left the school, Mr Goncalves sent him a card which she believed was not a card a teacher should be sending. Mother E submitted the tone of the card was along the lines of "I hope you don't forget me, remember what I've done for you". Of particular concern to Mother E were the comments, "I've never put so much effort into one child before" and "I've never connected with a child like I have with you". The card consisted of 2 pages of personalised content setting out how Mr Goncalves valued Pupil E and how he would miss him. The card also contained a number of photographs of pupils, including a photograph of Pupil E and Mr Goncalves, with Mr Goncalves' arm around Pupil E.

Mother E also explained that Mr Goncalves sent a large number of messages to her (she estimated around 80) asking to meet Pupil E outside of school hours and discussing Pupil E's sports achievements and progress. There was one occasion when Mr Goncalves asked if he could take Pupil E to lunch with Pupil B. Mr Goncalves told Mother E that he had checked with Pupil B's mother, who said this was okay. Mother E submitted that she then checked with Mother B who confirmed that she had not agreed to this. Within her oral evidence, Mother E submitted that she felt that "he was building up to get my trust to let Pupil E go to lunch with him".

Mother E also submitted that Mr Goncalves gave Pupil E a present which was a [redacted] plaque.

In June/July 2018, the police spoke with Pupil E whilst Mother E and his father were present. Mother E explained that it was at this point that they found out things which they had not been aware of previously, including that Pupil E told the police that on one occasion when he was in the park with friends in the school holidays, Mr Goncalves had also been there.

The panel also noted the oral testimony in respect of Witness I regarding the leaving card which was sent to Pupil E. Witness I submitted that the card was "weird".

The panel considered each aspect of the alleged conduct in turn:

**i. Giving him a card, with a picture of you and him on, which said:**

- 1. 'I am extremely determined to keep you in my life'**
- 2. 'I've never really seen you as a student but more as a little brother!'**
- 3. 'I've never connected with a child like I have with you...'**
- 4. 'You are a very special person!'**

The panel had been provided with images of the card which supported the witness evidence before it.

The panel therefore found this allegation proven and also found that this would amount to a failure to maintain professional boundaries.

**ii. When Pupil E was no longer a pupil, asking to meet him outside of school hours and/or take him for lunch;**

The panel heard Mother E's oral testimony in which she described how she had received around 80 messages from Mr Goncalves which ceased when she firmly told him he would not be able to take Pupil E out for lunch. The panel found her submission, that she felt Mr Goncalves was trying to build up her trust to allow him to take Pupil E out of lunch, particularly concerning.

Given the witness evidence from several of the mothers that Mr Goncalves had asked to take their sons out for lunch, the panel found that on the balance of probabilities, it was more likely than not that the alleged conduct had occurred. The panel also found that this would amount to a failure to maintain professional boundaries, in particular due to the persistent nature of Mr Goncalves' requests and the fact he appeared to be suggesting to some mothers that other mothers had agreed to this when this was not the case.

**iii. Giving him a present;**

The panel heard the witness evidence of Mother E in respect of the leaving present which Mr Goncalves had given to Pupil E, which consisted of a [redacted] football club plaque.

The panel therefore found this allegation proven and also found that this would amount to a failure to maintain professional boundaries. As with the other personalised presents which were given to the pupils, the panel found that this was inappropriate due to the level of personalisation and the effort and expense which Mr Goncalves had gone to.

The panel therefore found allegation 1(d)i-iii proven.



**e) By taking photographs and/or videos of Pupil A and/or Pupil B and/or Pupil C and/or Pupil D and/or Pupil E on your personal mobile phone.**

The panel noted the witness statement and oral evidence of Witness I. Witness I explained that, during the police investigation, Mr Goncalves' personal phone was analysed and "thousands of photographs were retrieved of the five pupils". Within Witness I's oral evidence she referred to "hundreds of photographs". The phone also contained messages between Mr Goncalves and one or more of the pupil's mothers.

Witness I submitted in her oral evidence that she had viewed the photographs on the phone and that generally, they were of the five pupils playing in the snow, playing football and close ups of their faces. The phone also contained many other photographs taken in the School of the pupils in gym class, jumping over pommel horses and with gymnastics equipment. The police found no indecent photos. Witness I submitted in her oral testimony that these photographs were not of school trips and "they weren't photos that you would think would have been taken". Witness I further submitted that she didn't know how or why these photos would have been taken as they were clearly taken in a classroom environment.

The panel had also been provided with the card which Mr Goncalves had sent to Pupil E when he left the School which featured several photos of pupils, and in particular Pupil E.

On the basis of Witness I's clear witness evidence and Mr Goncalves' admission during his police interview, the panel found allegation 1(e) factually proven. Further the panel found that there was no legitimate reason for Mr Goncalves to take and keep these photos such that to do so amounted to a failure to maintain appropriate professional boundaries.

**2. Your conduct at allegation 1a and 1b, if proven, was conduct of a sexual nature and/or was sexually motivated.**

Having found allegation 1(a) and 1(b) proven, the panel went on to consider whether Mr Goncalves' conduct was conduct of a sexual nature and/or was sexually motivated. The panel noted that Mr Goncalves, during the police investigation, denied that he was sexually attracted to pupils.

The panel's attention was drawn to section 78 Sexual Offences Act 2003 and to the cases of *Sait v The General Medical Council* [2018], *Basson v General Medical Council* [2018] and *The General Medical Council v Haris* [2020] EWHC 2518.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that "A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship".

The panel was also mindful of the Court of Appeal's conclusion in *General Medical Council v Haris* [2021] EWCA Civ 763. The court found in that case that, "In the absence of a plausible innocent explanation for what he did, the facts spoke for themselves."

The panel found that some of the conduct found proven at allegations 1(a) and 1(b) was inherently sexual. This included stroking Pupil A's leg and touching Pupil B's inner thigh. In addition, some of the conduct could be deemed to be in pursuit of a sexual relationship, including: holding Pupil A's hand, cuddling and/or tickling Pupil A, stroking Pupil A's face, whispering in Pupil A's ear and cuddling Pupil B.

The panel considered whether there was a "plausible innocent explanation" for the behaviour.

Mr Goncalves had repeatedly stated that his behaviours were "naïve". The panel accepted that one or two incidents could be considered naïve but did not accept that Mr Goncalves could have been considered naïve following his formal written warning, particularly given that he was explicitly warned in the preceding meeting that "from an outsider's point of view this could look like grooming."

Mr Goncalves submitted in both his interview with the School and with the police that when he was holding Pupil A's hands, he was checking his dirty nails. The panel had reviewed the CCTV of this incident and did not feel this was a plausible explanation as Mr Goncalves did not look down at Pupil A's hand and can be seen swinging his arm as he walks along.

The panel found the CCTV footage of Mr Goncalves whispering in Pupil A's ear particularly concerning as he can be seen to hold Pupil A's head in a headlock so that he could not get away. Witness G also described Mr Goncalves stroking Pupil A's face delicately with the back of his hand, stating, "it made me very uncomfortable because he didn't need to touch him".

The panel noted that there was no evidence before them that in respect of any of the incidents of touching, the pupils had, prior to the touching, been upset or in need of comfort.

On this basis, the panel could not find a "plausible innocent explanation" for the conduct. The panel felt that the pattern of behaviour suggested an infatuation with the boys and found that this amounted to, on the balance of probabilities, conduct which was of a sexual nature and/or was sexually motivated.

The panel therefore found allegation 2 proven.

**3. One or more elements of your behaviour as may be found proven at 1 above were contrary to specific advice and/or guidance you had been given as part of a first formal written warning on or around 28 March 2018.**

The panel noted that, as outlined above, Mr Goncalves had received more than one warning regarding his behaviour. Notably on 28 March 2018, Mr Goncalves had been provided with a formal written warning following a meeting on 23 March 2018 in which he had “agreed that [he] had made contact with students and had invaded their personal space on occasions and that perhaps [his] intention could have been misunderstood or misinterpreted”.

Also within that meeting, the School had discussed with Mr Goncalves “that [he] had placed [himself] and a student in a classroom alone with the door closed, [Mr Goncalves and the School] agreed that this was not acceptable and was a severe breach of the safeguarding policy”. The written warning further states that, “we also took the opportunity to speak to you about your relationships with students which could be seen as unhealthy and unprofessional conduct”.

Witness F submitted in his witness statement that during the meeting, Individual L, [redacted], told Mr Goncalves that “from an outsider’s point of view this could look like grooming.”

Within the written warning it was stated that Mr Goncalves agreed to the following:

- “[Mr Goncalves] would not place [himself] or students in a similar situation,”
- “[Mr Goncalves] would not put [himself] in a room alone with students or give cause for concern,”
- “[Mr Goncalves] would not have students who are subject to preferential treatment or could be perceived as [his] favourites.”

Witness F submitted that following this warning, Mr Goncalves was required to attend an additional safeguarding training session.

The panel found that the written warning was abundantly clear, prescriptive and left no ambiguity.

The panel also noted that even prior to this formal written warning, Witness H had given Mr Goncalves management advice on 15 November 2017. Witness H submitted that initially Mr Goncalves’ behaviour did improve and he did follow her advice. However, Witness H further submitted that over time, “slowly his over-familiar behaviours crept back”.

The panel found that the behaviour found proven at allegation 1 continued after this warning. The panel found that the behaviour found proven was contrary to the specific advice Mr Goncalves was given as part of the written warning on or around 28 March 2018.

The panel therefore found allegation 3 proven.

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

Having found some 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 the conduct of Mr Goncalves, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Goncalves 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
- 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.

Particularly in light of the finding that the conduct at allegations 1(a) and 1(b) was conduct of a sexual nature and/or was sexually motivated, the panel was satisfied that the conduct of Mr Goncalves amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Goncalves' conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 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 more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that some of the allegations, including allegation 1(a)(ix) and 1(d)(ii), took place outside the education setting in that Mr Goncalves was visiting pupils outside of school. However, the panel considered Mr Goncalves actions touched upon his profession as a teacher, not least because Mr Goncalves had first met each of the pupils whilst in his capacity as their teacher.

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

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.

In light of the volume of incidents, some of which were found to have been sexually motivated, and the protracted period over which the incidents took place, during which Mr Goncalves had received a formal written warning, the panel therefore found that Mr Goncalves actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1(a)(i)-(x), 1(b)(i)-(vii) and (ix), 1(c)(i)-(v), 1(d)(i)-(iii), 1(e), 2 and 3 proved, the panel further found that Mr Goncalves' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct 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.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Goncalves which involved failing to maintain appropriate professional boundaries and conduct which was of a sexual nature and/or sexually motivated and contrary to advice he had been given, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children. The panel felt that the protection of pupils was particularly prevalent in this case due to the impact which Mr Goncalves' behaviour had had on the pupils. In particular, Mother A felt that Pupil A had "been wary of going to school" and felt that he had made up illnesses to stay home and Pupil B submitted that Mr Goncalves had put him "through so much stress in [redacted]".

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Goncalves 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 Goncalves was outside that which could reasonably be tolerated. Of particular concern to the panel was the fact that Mr Goncalves had exploited his position of trust despite having received a formal written warning and management advice.

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 Goncalves.

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 Goncalves. 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;
- abuse of position of trust (particularly involving pupils);

- any 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;
- 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);
- a deep-seated attitude that leads to harmful behaviour.

The panel determined that Mr Goncalves' behaviour in asking Pupil B to keep a secret from his parents was significant in their considerations and amounted to an abuse of his position as a teacher. The panel found that Mr Goncalves' behaviour was sustained over a period of time, impacting upon several pupils, and demonstrated a deep-seated attitude that leads to harmful behaviour.

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.

There was no evidence that Mr Goncalves' actions were not deliberate.

There was no evidence to suggest that Mr Goncalves was acting under extreme duress, and, in fact, the panel found Mr Goncalves' actions to be deliberate, calculated and motivated.

No evidence was submitted to attest to Mr Goncalves' previous history or ability as a teacher. No evidence was submitted which demonstrates exceptionally high standards in both personal and professional conduct or that Mr Goncalves contributed significantly to the education sector.

No mitigation evidence was submitted on behalf of Mr Goncalves or which showed that Mr Goncalves has shown insight or remorse for his actions. The panel noted that following his formal written warning, Mr Goncalves messaged Mother A stating, "I've just taken the official warning on the chin" and attributed his conduct to his teaching style. Indeed the panel noted that within his police interview, Mr Goncalves still did not demonstrate any recognition that his conduct was wrong or of the impact his conduct had had on the pupils. The panel had not received anything from Mr Goncalves to demonstrate that he had understood the impact of his behaviour on the pupils or that his behaviour had been inappropriate.

The panel found that there was a significant risk of repetition of the misconduct, particularly given Mr Goncalves had received several warnings, both informal and formal, and yet had continued with his behaviour. The panel found that the School's safeguarding procedures were adequate and robust and that Mr Goncalves had been given sufficient safeguarding training and still did not adhere to the safeguarding policies and procedures.

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 Goncalves 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 Goncalves. The lack of insight and remorse, combined with the very serious and sexual nature of the allegations was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include 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 persons and any sexual misconduct involving a child. The panel found that Mr Goncalves was responsible for conduct which was of a sexual nature and/or sexually motivated and had used his position of trust and influence to exploit pupils.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that Mr Goncalves was not responsible for any such 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 the following allegations proven 1(a)(i)-(x), 1(b)(i)-(vii) and (ix), 1(c)(i)-(v), 1(d)(i)-(iii), 1(e), 2 and 3. The panel found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Goncalves is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, 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 Goncalves, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include findings which involved failing to maintain appropriate professional boundaries and conduct which was of a sexual nature and/or sexually motivated involving children.

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 Goncalves, 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, “the protection of pupils was particularly prevalent in this case due to the impact which Mr Goncalves’ behaviour had had on the pupils. In particular, Mother A felt that Pupil A had “been wary of going to school” and felt that he had made up illnesses to stay home and Pupil B submitted that Mr Goncalves had put him “through so much stress in [redacted]”. 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, set out as follows, “No mitigation evidence was submitted on behalf of Mr Goncalves or which showed that Mr Goncalves has shown insight or remorse for his actions. The panel noted that following his formal written warning, Mr Goncalves messaged Mother A stating, “I’ve just taken the official warning on the chin” and attributed his conduct to his teaching style. Indeed the panel noted that within his police interview, Mr Goncalves still did not demonstrate any recognition that his conduct was wrong or of the impact his conduct had had on the pupils. The panel had not received anything from Mr Goncalves to demonstrate that he had understood the impact of his behaviour on the pupils or that his behaviour had been inappropriate.” 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 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 Goncalves was outside that which could reasonably be tolerated. Of particular concern to the panel was the fact that Mr Goncalves had exploited his position of trust despite having received a formal written warning and management advice.” I am particularly mindful of the finding of inappropriate conduct of a sexual nature and/or sexually motivated involving 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 Goncalves himself and the panel comment “No evidence was submitted to attest to Mr Goncalves’ previous history or ability as a teacher. No evidence was submitted which demonstrates exceptionally high standards in both personal and professional conduct or that Mr Goncalves contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments “The panel determined that Mr Goncalves’ behaviour in asking Pupil B to keep a secret from his parents was significant in their considerations and amounted to an abuse of his position as a teacher. The panel found that Mr Goncalves’ behaviour was sustained over a period of time, impacting upon several pupils, and demonstrated a deep-seated attitude that leads to harmful behaviour.”

I have also placed considerable weight on the finding of the panel that “there was a significant risk of repetition of the misconduct, particularly given Mr Goncalves had received several warnings, both informal and formal, and yet had continued with his behaviour. The panel found that the School’s safeguarding procedures were adequate and robust and that Mr Goncalves had been given sufficient safeguarding training and still did not adhere to the safeguarding policies and procedures.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Goncalves 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. These behaviours include 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 persons and any sexual misconduct involving a child. The panel found that Mr Goncalves was responsible for conduct which was of a sexual nature and/or sexually motivated and had used his position of trust and influence to exploit pupils."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings involving children 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 Stefan Joao Goncalves 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 Goncalves 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 Goncalves has a right of appeal to the King'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: 5 October 2022**

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