



National College for
Teaching & Leadership

Mr Gareth George: Professional conduct panel outcome

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

February 2016

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

Teacher: Mr Gareth George
Teacher ref number: 0878448
Teacher date of birth: 29 July 1985
NCTL case reference: 13433
Date of determination: 17 February 2016
Former employer: Bromsgrove School, Worcester

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 15 February to 17 February 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Gareth George.

The panel members were Ms Mick Levens (teacher panellist – in the chair), Mr Peter Cooper (teacher panellist) and Professor Ian Hughes (lay panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds LLP.

The presenting officer for the National College was Mr Ben Bentley of Browne Jacobson.

Mr Gareth George was present via Skype and was represented by Mr Chris Holden of the NASUWT.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 14 October 2015.

It was alleged that Mr Gareth George was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Bromsgrove School he:

1. Acted inappropriately towards Pupil A by:
 - a. Emailing her on one or more occasions in the evenings outside of school hours;
 - b. Asking if she had WhatsApp;
 - c. Asking if she was home in the evening outside of school hours;

2. Acted inappropriately towards Pupil B by:
 - a. Texting her on her personal mobile number on one or more occasions;
 - b. Texting her during the evening outside of school hours;
 - c. Suggesting Pupil B 'save you' from the school boarders when he was on duty;
 - d. Singling Pupil B out on one or more occasions;
 - e. Walking over to Pupil B and offering to hold Pupil B up when she was attempting to do pull ups with a different group;
 - f. Suggesting to Pupil B that she should respond to his messages;

3. And in doing 1 above, his actions towards Pupil A were sexually motivated in that he:
 - a. Had no good reason to commence email communication with Pupil A;
 - b. Persisted to send multiple emails when Pupil A did not respond to his initial email;
 - c. Sought to prompt a response from Pupil A by asking questions in the emails referred to in 3(b) above;
 - d. Attempted to seek a more personal method of communication by asking Pupil A if she had WhatsApp.

4. And in doing 2 above, his actions toward Pupil B were sexually motivated in that he:
 - a. Continued to use Pupil B's personal mobile as a method of contacting her outside of school;
 - b. Persisted to send her multiple texts when Pupil B did not respond to his text;
 - c. Singled Pupil B out when she was in a group.

5. His conduct in respect of 1 and 2 above amounted to breach of professional boundaries.

The above allegations are not admitted, save for those admitted during oral evidence as detailed in Section E below.

C. Preliminary applications

Admission of Documents

The teacher's representative made an application to adduce further evidence, namely, a copy of the signed witness statement of Mr George dated 25 January 2016 and a letter from Mr Phillip Bowen dated 26 January 2016.

The presenting officer raised no objections to the introduction of these documents.

The panel had regard to Paragraph 4.18 of the Teacher misconduct – Disciplinary procedures for the teaching profession (“the Procedures”) which provides the “*panel may admit any evidence, where it is fair to do so, which may reasonably be considered relevant to the case*”. In view of the nature and seriousness of the allegations, the panel held that the documents were relevant and would assist with the determination of the allegations. Furthermore, the panel considered the need for fairness. The panel was minded to exercise its discretion and admit the documents.

Application for Protective Measures

An application was made by the presenting officer seeking directions to treat Pupils A and B as vulnerable witnesses, and to adopt such measures as considered necessary to safeguard the interests of the witnesses.

The presenting officer outlined the basis of his application under paragraphs 4.71 and 4.72 of the Procedures. The teacher's representative raised no objections to the application.

The panel considered paragraphs 4.71 and 4.72 of the Procedures, and considered that both witnesses met the criteria for being categorised as vulnerable witnesses. The allegations against Mr George include allegations of sexual motivation and both witnesses are the alleged victims. Both Pupils A and B were under the age of 18 at the time of the purported incidents, indeed, both continue to be under 18 years of age. Furthermore, both have expressed concern about seeing Mr George.

As a result of the above considerations, the panel believe that their quality of evidence is likely to be adversely affected by giving evidence directly before Mr George. The panel has noted that there is no medical evidence that the welfare of either witness being prejudiced by their giving evidence and furthermore, have noted that both witnesses are willing to give evidence in this matter. In view of this, the panel was content for both

witnesses to give evidence. The panel therefore directs that Pupils A and B be treated as vulnerable witnesses.

The panel then went on to consider what would be appropriate safeguards in the circumstances and noted that the witnesses' concerns arose from potentially having to see Mr George again. The panel noted that it has the power under paragraph 4.72 of the Procedures to adopt such measures as they considered necessary to safeguard the interests of vulnerable witnesses.

The panel noted that due to the unique manner in which Mr George was participating in the proceedings, via Skype, his video image was displayed on a large television screen located directly opposite the witnesses whilst they give evidence. The panel considered the presenting officer's submission to switch off the television monitor and to obscure the laptop screen, so that Mr George's video image was not visible to the witnesses, but noting that Mr George would continue to view and hear the witnesses giving their evidence.

The panel recognised the inevitable stress of giving evidence, and that obscuring Mr George's image would mitigate that risk. The panel considered its obligation to ensure that the teacher is not put at an unfair disadvantage, balanced against its duty in the public interest to investigate the allegations in so far as it is possible to do so consistent with fairness to Mr George. The panel was satisfied that its duty to investigate the allegations were such that it was content to allow the large television monitor to be switched off and for the laptop image to be obscured, this being the least restrictive measure, allowing Mr George to view and listen to the witness evidence, whilst addressing the concerns raised by the witnesses.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list	Pages 2 to 5
Section 2: Notice of Proceedings and Response	Pages 7 to 15
Section 3: NCTL witness statements	Pages 17 to 22
Section 4: NCTL documents	Pages 24 to 130
Section 5: Teacher documents	Pages 132 to 141

In addition, the panel exercised its discretion under paragraph 4.18 of the Procedures (as noted above) and agreed to accept the following:

Letter from Mr Bowen dated 26 January 2016	Pages 142 to 143
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The panel members confirmed that they had read all of the documents.

Witnesses

The panel heard oral evidence from:

Pupil A	Pupil at the School	NCTL
Pupil B	Pupil at the School	NCTL
Mr George	Former Teacher at the School	Teacher

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Gareth George was appointed as a PE Teacher at Bromsgrove School from 1 September 2009, a post which he held until his resignation in December 2014. He also had responsibility for the preparatory school boarders.

It is alleged that in May 2014, Mr George began sending text messages to Pupil B and continued to do so over the summer break. It is also alleged that Mr George began emailing Pupil A from 12 November 2014.

On 18 November 2014, staff at Bromsgrove School are alleged to have overheard students talking about Mr George sending emails to Pupil A. On or around this time, access to Mr George and Pupil A's email accounts was gained.

On 19 November 2014, the Senior Safeguarding Officer for Worcestershire County Council was contacted in respect of the above. On or around this time, Mr George continued to contact Pupil A via email.

On 26 November 2014, it is alleged that Pupil A informed a nurse at the School's Health Centre that she had been receiving emails from Mr George.

A strategy meeting between the LADO, the Police and Social Workers took place on 3 December 2014 and Mr George was notified that an investigation into these allegations would be undertaken. Interviews with Pupils A, B, D and E were carried out. Following which, an interview with Mr George was undertaken on 8 December 2014.

On 9 December 2014 Mr George was suspended and invited to a disciplinary hearing to take place on 15 December 2014.

On or around 11 December 2014, Mr George tendered his resignation with effect from 31 December 2014 and this was accepted on 15 December 2014.

Findings of fact

Our findings of fact are as follows:

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

1. Acted inappropriately toward Pupil A by;

- a. Emailing her on one or more occasions in the evening outside of school hours;**
- b. Asking if she had WhatsApp;**
- c. Asking if she was home in the evenings outside of school hours;**

These allegations have been admitted by Mr George in the course of his oral evidence and in his written evidence at pages 135 to 141. Furthermore, the panel noted the evidence presented at pages 71 to 105, being the e-mails exchanged with Pupil A and pages 121 to 126, being the note of the investigatory interview with Mr George on 8 December 2014. Having regard to the teacher/pupil relationship, the panel concluded that these actions were inappropriate and consequently find the allegations to be proved.

2. Acted inappropriately towards Pupil B by:

- a. Texting her on her personal mobile number on one or more occasions;**
- b. Texting her during the evenings outside of school hours;**

These allegations have been admitted by Mr George in his oral evidence and verified by the oral evidence of Pupil B. The panel also refer to the written evidence presented to them, namely the witness statement of Pupil B (pages 21 to 22), the note of the investigatory interview with Pupil B on 4 December 2014 (pages 114 to 118), the note of the investigatory interview with Mr George on 8 December 2014 (pages 123 to 125), and the witness statement of Mr George (pages 135 to 141). Therefore, on the balance of probabilities, the panel finds that these events are more likely than not to have occurred. Having regard to the teacher/pupil relationship, the panel concluded that these actions were inappropriate and consequently find the allegations to be proved.

- c. Suggesting Pupil B ‘save you’ from the school boarders when you were on duty;**

This allegation is denied by Mr George. In his oral evidence, he stated that he could not recall making this specific comment and had he done so, it was meant in a “flippant” manner. However, Mr George clarified that he was not suggesting that Pupil B had

concocted this message. Furthermore, the panel noted his response when this allegation was put to him in the investigatory interview on 8 December 2014, where he stated, “I didn’t mean anything by it” (page 124).

The panel noted the evidence of Pupil B, and specifically refer to her written statement (page 21), the note of the interview with Pupil B (page 115), and also the oral testimony provided during the course of these proceedings. Pupil B was consistent with her evidence throughout. The panel found the oral evidence of Pupil B to be credible, cogent, honest and consistent. Furthermore, the evidence did not appear to be exaggerated in any way.

The panel considered all of the evidence, and preferred the evidence of Pupil B and on the balance of probabilities it believed that Mr George was more likely than not to have sent a message to Pupil B suggesting she save him from the school boarders. Having regard to the teacher/pupil relationship, the panel concluded that these actions were inappropriate and consequently find the allegations to be proved.

d. Singling Pupil B out on one or more occasions;

This allegation is denied by Mr George.

The panel considered the written statement of Pupil B, which outlined various incidents where she was singled out by Mr George. Specifically, the panel took note of Pupil B’s evidence that an incident which took place in the classroom (“Incident 1”) and an incident during a training session when he offered to assist Pupil B (“Incident 2”). The panel also noted that the disclosure made by Pupil B in December 2014 was consistent with the account contained in the statement prepared for this panel. The panel also considered the oral evidence of Pupil B where she referenced the incident when she was singled out by Mr George. Pupil B was consistent with her evidence throughout and, as stated above, the oral evidence of Pupil B was credible.

In his oral evidence Mr George stated that he could not recall Incident 1. In connection to Incident 2, he accepted he made the offer, but he stated he also extended the offer to a male pupil; this was denied by Pupil B. However, in his written evidence (page 138 of the Hearing Bundle) Mr George recognised that, “I did not treat Pupil B in a way that I would not have treated many other pupils ... but I can now see how any attention from me, when coupled with unwarranted messages, may have made her feel singled out”. This was restated by Mr George in his oral evidence.

Having considered all the evidence, the panel finds, on the balance of probabilities, that Mr George did single out Pupil B and having regard to the teacher/pupil relationship, the panel concluded that these actions were inappropriate and consequently find the allegation to be proved.

e. Walking over to Pupil B and offering to hold Pupil B up when she was attempting to do pull ups with a different group;

This allegation has been admitted by Mr George in his oral evidence and verified by the oral evidence of Pupil B. The panel also refer to the written evidence presented to them, namely the witness statement of Pupil B (pages 21 to 22), the note of the investigatory interview with Pupil B on 4 December 2014 (pages 114 to 118), the note of the investigatory interview with Mr George on 8 December 2014 (pages 123 to 125), and the witness statement of Mr George (pages 135 to 141). Having regard to the teacher/pupil relationship, the panel concluded that these actions were inappropriate and consequently find the allegations to be proved.

f. Suggesting to Pupil B that she should respond to your messages;

This allegation is denied by Mr George.

The panel considered the written statement of Pupil B (pages 21 to 22 of the hearing bundle) and the note of the interview in December 2014 (page 115 of the hearing bundle), where Pupil B stated that when she, “started to blank his message ... I would then receive a string of five or six messages”. Furthermore, she notes that he would ask questions, “asking me about everyday life such as how are you”. This account was consistent with the oral evidence from Pupil B. The panel considered that by posing numerous questions, Mr George was seeking to elicit a response from Pupil B.

In oral evidence, when directly asked, Pupil B said that Mr George never asked her in person to respond to his messages. However, the panel refers to the interview notes from the initial meeting with Pupil B on 4 December 2014 where she provides evidence to the contrary stating that the next time she met Mr George in person he had asked her to respond to his messages (page 15). The panel is minded to attach greater weight to the evidence within the note, as it was taken closer to the time of the events and has been signed by Pupil B, who confirmed its accuracy at the time.

The panel considered all of the evidence, and on the balance of probabilities it believed that this event was more likely than not to have occurred. Having regard to the teacher/pupil relationship, the panel concluded that these actions were inappropriate and consequently finds the allegations to be proved.

5. Your conduct in respect of 1 and 2 above amounted to breach of professional boundaries.

The panel noted that Mr George has consistently recognised that the contact with Pupils A and B was inappropriate and in breach of professional boundaries, as demonstrated in the written note of the interview on 8 December 2014 (pages 123 to 124), the note prepared by the Assistant Head of the School (page 120), and his Witness Statement

(pages 135 to 141). Additionally, this allegation has been admitted by Mr George. Making reference to its own knowledge and experience of the boundaries expected of a teacher in Mr George's position and of the guidance around safeguarding, the panel finds this allegation to be proved.

The panel has found the following particulars of the allegations against you not proven, for these reasons:

3. And in doing 1 above, your actions towards Pupil A were sexually motivated in that you:

a. Had no good reason to commence email communication with Pupil A;

Mr George admits that he had no good reason to commence email communication with Pupil A. Upon consideration of the evidence presented and heard during the course of the proceedings, on the balance of probabilities, the panel finds this particular to be proven.

Turning to the allegation of sexual motivation, the panel noted that Mr George denied that his actions were sexually motivated, and has consistently done so since the investigatory interview and throughout these proceedings.

The panel considered the two stage test for sexual motivation – firstly whether a reasonable person would think the words/actions could be sexual and secondly whether the purpose of such words/actions was sexual in all of the circumstances of the case.

Following a detailed discussion regarding the test to be applied for a finding of sexual motivation and upon an in-depth consideration of the evidence, the panel decided, by a majority decision, it was not satisfied that Mr George's actions could be viewed by a reasonable person as sexually motivated. In reaching this decision, the panel noted the absence of sexualised language used in the communications with Pupil A and the lack of evidence adduced. The panel also noted the oral evidence of Pupil A where she did not believe that this contact was sexually motivated. As the first limb of the test was not satisfied the panel therefore did not consider the second limb of the test.

b. Persisted to send multiple emails when Pupil A did not respond to your initial email;

The panel did not consider this particular, as the presenting officer made submissions to the panel that the National College no longer intended to pursue this allegation.

c. Sought to prompt a response from Pupil A by asking questions in the emails referred to in 3(b) above;

Mr George admits that he sought to prompt a response from Pupil A by asking questions in emails. Upon consideration of the evidence presented and heard during the course of the proceedings, on the balance of probabilities, the panel finds this particular to be proven.

Turning to the allegation of sexual motivation, the panel noted that Mr George denied that his actions were sexually motivated, and has consistently done so since the investigatory interview and throughout these proceedings.

The panel considered the two stage test for sexual motivation and using the reasoning as outlined in 3a, the panel, by majority, was not satisfied that Mr George's actions could be viewed by a reasonable person as sexually motivated.

d. Attempted to seek a more personal method of communication by asking Pupil A if she had WhatsApp.

Mr George admits that he attempted to seek a more personal method of communication by asking Pupil A if she had WhatsApp. Upon consideration of the evidence presented and heard during the course of the proceedings, on the balance of probabilities, the panel finds this particular to be proven.

Turning to the allegation of sexual motivation, the panel noted that Mr George denied that his actions were sexually motivated, and has consistently done so since the investigatory interview and throughout these proceedings.

The panel considered the two stage test for sexual motivation and using the reasoning as outlined in 3a, the panel, by majority, was not satisfied that Mr George's actions could be viewed by a reasonable person as sexually motivated.

4. And in doing 2 above, your actions towards Pupil B were sexually motivated in that you:

a. Continued to use Pupil B's personal mobile as a method of contacting her outside of school;

Mr George admits that he continued to use Pupil B's personal mobile as a method of contacting her outside of school. Upon consideration of the evidence, the panel finds on the balance of probabilities, this to be proven.

Turning to the allegation of sexual motivation, the panel noted that Mr George denied that his actions were sexually motivated, and has consistently done so since the investigatory interview and throughout these proceedings.

The panel considered the two stage test for sexual motivation – firstly whether a reasonable person would think the words/actions could be sexual and secondly whether the purpose of such words/actions was sexual in all of the circumstances of the case.

Following a detailed discussion regarding the test to be applied for a finding of sexual motivation and upon an in-depth consideration of the evidence, the panel decided, by a majority decision, it was not satisfied that Mr George's actions could be viewed by a reasonable person as sexually motivated. In reaching this decision, the panel noted the absence of sexualised language used in the communications with Pupil B and the lack of evidence adduced. The panel also noted the oral evidence of Pupil B where she did not believe that this contact was sexually motivated. As the first limb of the test was not satisfied the panel therefore did not consider the second limb of the test.

b. Persisted to send her multiple texts when Pupil B did not respond to your text;

Mr George denies this allegation.

The panel considered the written statement of Pupil B (pages 21 to 22) and the note of the interview in December 2014 (page 115), where Pupil B stated that when she, “started to blank his message ... I would then receive a string of five or six messages”. This account was consistent with the oral evidence from Pupil B.

The panel considered all of the evidence, and preferred the evidence of Pupil B and on the balance of probabilities it believed that it was more likely than not that Mr George persisted in sending Pupil B multiple text messages.

Turning to the allegation of sexual motivation, the panel noted that Mr George denied that his actions were sexually motivated, and has consistently done so since the investigatory interview and throughout these proceedings.

The panel considered the two stage test for sexual motivation and using the reasoning as outlined in 4(a), the panel, by majority, was not satisfied that Mr George's actions could be viewed by a reasonable person as sexually motivated.

c. Singled Pupil B out when she was in a group.

Mr George denies this allegation. The panel defer to their decision at particular 2(d) and find that on the balance of probabilities, Mr George did single out Pupil B when she was in a group.

Turning to the allegation of sexual motivation, the panel noted that Mr George denied that his actions were sexually motivated, and has consistently done so since the investigatory interview and throughout these proceedings.

The panel considered the two stage test for sexual motivation and using the reasoning as outlined in 4(a), the panel, by majority, was not satisfied that Mr George's actions could be viewed by a reasonable person as sexually motivated.

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

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

In doing so, the panel has had regard to the admission made by Mr George in his oral evidence, that by admitting the facts of particulars 1a, 1b, 1c, 2a, 2b, 2e, and 5, he also admits that they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Having found the facts of Particulars 1a, 1b, 1c, 2a, 2b, 2c, 2d, 2e, 2f and 5 proven, the panel further find that Mr George's actions amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In relation to the allegations that the panel have found to be proved, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

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

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

The panel has also considered whether Mr George's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

In light of the findings above, the panel is satisfied that Mr George is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr George's actions constitute 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 is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In light of the panel's findings against Mr George, there is a strong public interest consideration in respect of the protection of pupils given the findings of inappropriate communication with and conduct directed towards pupils.

The panel considered that Mr George had not shown insight into his actions, as having recognised contact with Pupil B was inappropriate, he then went on to initiate contact

with Pupil A, both being pupils over which he had no teaching or pastoral responsibility. This action is in spite of the safeguarding training he received in 2009, 2012 and 2014 and also following an incident in 2012. Mr George should have shown a greater appreciation of the appropriate boundaries that regulate the teacher/pupil relationship.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr George was not treated with the utmost seriousness when regulating the conduct of the profession. In particular, the panel noted that the underlying facts giving rise to the allegations proven were not isolated incidents. The allegations involved two pupils and multiple incidents in connection with Pupils A and B.

In view of the above, the panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr George was outside that which could reasonably be tolerated.

Notwithstanding 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 George.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr George. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

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

The panel has found that Mr George's conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards, as the panel has already detailed and as accepted in some instances by Mr George himself.

- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;

The panel considered that Mr George's conduct seriously affected the well-being of the pupils concerned. As noted above, the underlying incidents giving rise to the allegations were not isolated incidents and involved several events over a period of time; this is a repeated pattern of behaviour. The panel note that Mr George has subsequently sought counselling, however, they are not convinced that he can now sufficiently manage the circumstances which he claimed led to his actions. This has led the panel to conclude there is a continuing risk.

- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

The panel considered that Mr George's conduct, in relation to the proven allegations, involved abuse of position or trust and his conduct as detailed in the proven elements of the allegations involved violation of the rights of the pupils.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. In particular:

- The panel considered whether or not Mr George's actions were deliberate. The panel noted that Mr George states the stress of the various roles he performed together with personal problems, resulted in his judgment being clouded. The panel were not convinced by the explanation provided and concluded that due to the inappropriate nature of Mr George's conduct, his actions were deliberate.
- There was no evidence to suggest that the teacher was acting under duress.
- The panel noted that, in his role as a teacher, Mr George had not been subject to any formal disciplinary proceedings, prior to the events underlying these allegations. However, the panel noted Mr George had received specific safeguarding advice following an allegation, found not proven, in 2012.
- The panel also noted the evidence before it that Mr George was an effective teacher and drew upon the testimony provided in the written statements of the former deputy head.

In light of the above, the panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr George. Mr George's abuse of his position of trust and the serious impact of his conduct on the welfare of the pupils and the impact on the reputation of the teaching profession was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual

misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons.

The panel noted that Mr George has been found to have abused his position of trust and acted in an inappropriate way towards pupils, however, this should not be seen as more serious than it is – the panel has not found that Mr George made any physical contact with any pupil; nor has it found Mr George to have been sexually motivated. Such conduct was not present in this case.

Mr George has, however, denied a number of the allegations raised, and the panel note he has not demonstrated any insight into his inappropriate conduct or the impact on the pupils, albeit he has expressed remorse for the resultant consequences of his actions.

The panel felt the findings indicated a situation in which a review period would be appropriate and proportionate given all the circumstances.

The panel considers that Mr George will require at least 3 years to reflect upon the inappropriateness of his behaviour, to develop a more profound insight into his conduct and its ramifications for the pupils, and demonstrate he is able to cope with the pressures of teaching.

Accordingly, the panel recommends a prohibition order with provision for Mr George to apply for the order to be set aside, once 3 years have elapsed from the date of the order.

Decision and reasons on behalf of the Secretary of State

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

I have noted where the panel has made findings of fact and unacceptable professional conduct and those which constitute conduct that may bring the profession into disrepute, as well as where the panel has not made such findings.

The panel is satisfied that the conduct of Mr George in relation to the facts found proven, involved breaches of the Teachers' Standards.

There is a strong public interest consideration in this case, namely the protection of pupils, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct. I note the panel's consideration that Mr George's conduct seriously affected the well-being of the pupils concerned. I also note that the panel are not convinced that Mr George can now sufficiently manage the circumstances which he claimed led to his actions. This has led the panel to conclude there is a continuing risk.

I have taken into account the need to balance the public interest with the interests of the teacher. I have also taken into account the need to be proportionate. I have read and taken into account the guidance published by the Secretary of State.

Taking all of the facts into account I support the recommendation of the panel that Mr George be prohibited. This seems to me to be proportionate and appropriate.

I have also considered the matter of a review period. I have noted that the panel found that Mr George has not demonstrated any insight into his inappropriate conduct. The panel considers that Mr George will require at least 3 years to reflect upon his inappropriateness, and to develop a more profound insight into his conduct, its ramifications for pupils and to demonstrate he is able to cope for the pressures of teaching. For these reasons, I agree with the panel's decision.

This means that Mr Gareth George is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 28 February 2019, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr George remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

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

A handwritten signature in black ink, appearing to read 'J. Millions', with a small dot at the end of the line.

Decision maker: Jayne Millions

Date: 22 February 2016

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