



National College for
Teaching & Leadership

Mr Thomas Watson: Professional conduct panel outcome

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

March 2017

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

Teacher: Mr Thomas Watson

Teacher ref number: 1577634

Teacher date of birth: 6 November 1986

NCTL case reference: 14323

Date of determination: 28 March 2017

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 27 and 28 March 2017 at the Ramada Hotel, The Butts, Coventry, CV1 3GG to consider the case of Mr Thomas Watson.

The panel members were Dr Geoffrey Penzer, (lay panellist – in the chair), Mr Peter Cooper, (teacher panellist), and Ms Karen McArthur (lay panellist).

The legal adviser to the panel was Ms Antonia Dowgray of Blake Morgan LLP solicitors.

The presenting officer for the National College was Ms Kayleigh Brooks of Browne Jacobson LLP solicitors.

Mr Thomas Watson was not present and was not represented.

The hearing took place in public, save for the video evidence of Pupil B which was in private, and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 17 January 2017.

It was alleged that Mr Watson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher Mr Watson:

1. Engaged in an inappropriate relationship with Pupil A whilst she was still attending the School Gymnastic club in that he:
 - a. Asked Pupil A to send him a photograph of her breasts on one or more occasions;

- b. Sent Pupil A a photograph of a penis by text message;
 - c. Offered to send Pupil A one or more images of his penis.
2. Engaged in an inappropriate relationship with Pupil A, a former pupil, in that he:
- a. On or around 24 March 2015 contacted Pupil A via Facebook Messenger;
 - b. Engaged in inappropriate conversations with Pupil A via Facebook Messenger;
 - c. Sent messages of a sexual nature to Pupil A via Facebook Messenger;
 - d. Asked Pupil A to send him images of herself in her underwear and/or topless on one or more occasions;
 - e. Asked Pupil A to engage in a Skype conversation with him:
 - i. To watch him masturbate;
 - ii. To watch Pupil A undress;
 - f. Sent to Pupil A's personal email address an image of Pupil B in a state of undress;
 - g. On or around 26 March 2015, Mr Watson sent to Pupil A's personal email address one or more emails pretending to be Person Z, and in those emails he:
 - i. Sent an image of a naked female, which he suggested was Person Z;
 - ii. Asked Pupil A to send a naked image of herself.
3. Engaged in an inappropriate relationship with Pupil B, a former pupil, in that Mr Watson:
- a. Exchanged messages of a sexual nature with Pupil B using online means of communication;
 - b. Exchanged photographs of a sexual nature with Pupil B using online means of communication;
 - c. Sent Pupil B one or more emails, pretending to be Person Z, and in those emails he:

- i. Asked Pupil B to send one or more naked images of herself;
 - ii. Asked Pupil B to film herself undressing;
 - d. Sent one or more photographs of Person Z in a state of undress and/or naked to Pupil B via email;
 - e. Engaged in one or more Skype conversations with Pupil B in which:
 - i. He masturbated;
 - ii. He watched Pupil B masturbate;
 - f. Met Pupil B on one or more occasions on School premises and/or in the vicinity of the School and engaged in sexual activity.
4. Mr Watson's conduct at 1(a) – (c), 2(c)-(g) and 3(a)-(f) above was sexually motivated.
5. Mr Watson accepted a caution from Derbyshire Constabulary on 22 September 2015 for the offence of harassment between 24/03/15 - 27/03/15 contrary to Section 2(1) and 2(2) of the Protection from Harassment Act.

On 20 January 2017, Mr Watson signed the *Notice of Proceedings Form* (the "NOP Form"). In relation to question 4 on the NOP Form, namely "*Do you admit the allegations set out in the Notice of Proceedings dated 17 January 2017?*", Mr Watson circled "yes". In relation to question 5 on the NOP Form, namely "*If you answered yes to q4, do you admit that those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute?*", Mr Watson circled "no".

C. Preliminary applications

The panel considered the following preliminary applications:

- An application from the presenting officer to proceed in the absence of Mr Watson.

The panel first considered an application from the presenting officer to proceed in the absence of Mr Watson.

The presenting officer referred the panel to the Notice of proceedings dated 17 January 2017, which had been sent to Mr Watson (pages 6 – 9). The presenting officer then referred the panel to the NOP Form which Mr Watson had completed dated 20 January 2017. The presenting officer referred the panel to her email to Mr Watson dated 31 January 2017 (pages 10 – 13). The presenting officer submitted that, on the NOP Form, Mr Watson had circled "No", in his response to question 2 ("*Do you intend to appear at*

the hearing?") and question 3 ("*Do you intend to be represented?*"). The presenting officer referred the panel to an email she had sent to Mr Watson on 31 January 2017, after she had received the NOP Form (pages 123 – 125). In her email to Mr Watson, the presenting officer referred Mr Watson to his answers on the NOP Form at questions 2 and 3, and asked him to please confirm if he was happy for the hearing to proceed in his absence. The presenting officer further referred the panel to an email she received from Mr Watson on 31 January 2017 in response to her email (page 123). In his email of 31 January 2017, Mr Watson stated: "*I am happy for the hearing to take place in my absence.*" The presenting officer further referred the panel to a subsequent email exchange with Mr Watson on 3 February 2017, under cover of which he attached a statement he wishes to place before the panel (pages 126 – 127).

The presenting officer submitted that, on the basis of the correspondence exchanged with Mr Watson, he was fully aware of the proceedings; he had engaged with the proceedings; he had voluntarily waived his right to appear at the hearing, and there was no suggestion in his correspondence that if the hearing was delayed or postponed that he may come at a later date. She further submitted it was in the interests of justice for the panel to exercise its discretion to proceed in Mr Watson's absence.

The panel received legal advice in accordance with paragraphs 4.27 – 4.29 of the *Teacher Misconduct – Disciplinary procedures for the teaching profession*. The panel were also referred to *General Medical Council v Adeogba* [2016] EWCA Civ 162, a case which reiterated the principles originally developed in the criminal law in *R v Jones* [2002] UKHL on the approach to proceeding in the absence within a regulatory context.

The panel carefully reviewed the correspondence which had been exchanged with Mr Watson. The panel accepted the presenting officer's submissions that Mr Watson was fully aware of the proceedings, and had deliberately and voluntarily absented himself from the hearing. The panel did not consider that if it adjourned the hearing Mr Watson would voluntarily attend. The panel determined it was in the interests of justice to exercise its discretion to proceed in Mr Watson's absence.

- The application from Mr Watson to hear the entire hearing in private.

The panel considered an application from Mr Watson that the entire hearing should be held in private. [Redacted]

Mr Watson additionally submitted that the hearing should take place in private to protect the reputation of the school in which he worked and the teaching profession.

The presenting officer opposed the application from Mr Watson that the entire hearing be held in private. The presenting officer submitted, in the alternative, that specific directions could be made by the panel to meet the concerns highlighted by Mr Watson, some of which she said the NCTL shared. Presenting officer further submitted that Mr

Watson was aware of the applications she proposed to make and had not raised any specific objection to them.

The panel also considered applications from the presenting officer that:

- The video evidence of Pupil B be heard in private;
- The name of the school not be disclosed during the hearing or at all subsequently;
- The name of [Redacted] to be anonymised to 'Person 1'.

In support of her submission that the video evidence of Pupil B be heard in private, the presenting officer submitted that, at the time of the alleged conduct, Pupil B was under the age of 18 years and for the purpose of the proceedings was a vulnerable witness. It was therefore necessary to protect Pupil B's interests on this basis.

In support of her submission that the name of the school not be disclosed, the presenting officer submitted that this was a small close-knit community school. The presenting officer submitted that Pupil B's evidence was that it was [Redacted] School, which adopts a holistic philosophy. She submitted it would be easy to make a connection to pupils at the school if it was not anonymised, such that the identities of Pupils A and B could be disclosed. The presenting officer therefore submitted it was in the interests of justice to anonymise the name of the school.

In support of her submission that the name of [Redacted] be anonymised, the presenting officer submitted that [Redacted] was named in the allegations and in the papers before the panel. The teacher had purported to be [Redacted] when sending emails to Pupils A and B and had effectively acted under their name. The presenting officer submitted [Redacted] was not a part of the proceedings and their interests should be protected. She submitted that the panel had the discretion to anonymise them to protect their interests, and this was in the interests of justice.

The panel decided that the public interest required that the hearing should be public, but that the video evidence of Pupil B would be heard in private. It accepted the submission of the presenting officer that Pupil B was a vulnerable witness and it was necessary to protect her interests for this evidence to be taken in private.

The panel decided that the name of school should not be disclosed in the hearing or at all. The panel accepted the submission of the presenting officer that this was in the interests of justice, in view of the small community nature of the school and the likelihood that, if not anonymised, the identities of Pupils A and B could be revealed.

The panel also decided that it was in the interests of justice to anonymise [Redacted]. It carefully considered the submissions of the presenting officer and those of Mr Watson in

reaching this view and determined that it would redact their name in the allegations to "Person Z" (and not Person 1 as suggested by the presenting officer).

The panel further considered an application by the presenting officer to amend the date in allegation 5. She submitted that the harassment took place between 24 March 2015 – 27 March 2015, and not from 11 March 2014 to 27 March 2015.

The panel accepted legal advice and decided that it was in the interests of the justice to amend the date from 11 March 2014 to 24 March 2015 in allegation 5.

D. Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 2 to 4

Section 2: Notice of Proceedings and Response – pages 6 to 13

Section 3: NCTL witness statements – there were no witness statements

Section 4: NCTL documents – pages 16 to 121

Section 5: Teacher documents – pages 123 to 128

In addition, the panel agreed to accept the following:

Section 4: NCTL documents – pages 121a and 121b.

The additional documents which were accepted by the panel comprised of Mr Watson's resignation email to the school dated 22 June 2016, and an email Mr Watson had sent the school on 27 June 2015, which Mr Watson had requested be read at out in a meeting to his former colleagues.

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

Witnesses

The panel watched the video footage of Pupil B's interview with the Police on 22 September 2015, which was tendered in evidence by the presenting officer.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

On 1 September 2010, Mr Watson commenced employment at the [Redacted] School. Mr Watson was a physical education ("PE") and/or gym instructor. He provided timetabled school lessons and ran an afterschool gym club. Pupil A and Pupil B were taught by Mr Watson. In the summer of 2012, Pupil A and Pupil B left the school. Both Pupil A and Pupil B however continued to attend Mr Watson's afterschool gym club, after they had left the school. Pupil B was also an attendee of the environmental club for which Mr Watson was also in attendance.

In the autumn of 2012, Mr Watson contacted Pupil B. In or about February or March 2014, Mr Watson contacted Pupil A. In March 2015, Mr Watson exchanged Facebook messages and emails with Pupil A. Pupil A contacted the Police regarding Mr Watson's actions. Pupil A also raised concerns to the Police in relation to Mr Watson's behaviour with Pupil B. On 22 June 2015, Mr Watson resigned from the school. On 24 July 2015, Pupil A was interviewed by the Police. On 22 September 2015, Pupil B was interviewed by the Police. On 22 September 2015, Mr Watson accepted a simple caution for the offence of harassment between 25 March 2015 and 27 March 2015.

Findings of fact

Our findings of fact are as follows:

The allegations relate to Mr Watson's conduct with two recent ex-pupils of the school, Pupil A and Pupil B. The panel has carefully considered whether Mr Watson was still in a position of trust in relation to Pupil A and Pupil B at the time of the allegations. The panel is satisfied that he was. Both pupils were still attending the afterschool clubs at the school in an educational context and Mr Watson was leading the gym club. The panel considered that the time that had elapsed since Mr Watson was their teacher was very short and he was still in a position of trust at the time he contacted Pupil A and Pupil B.

The panel considered the NOP Form signed and submitted by Mr Watson, in which he admitted the allegations. The panel has accepted Mr Watson's admissions to the allegations, but has nonetheless carefully considered and weighed all of the evidence before it to reach its decision.

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

- 1. Engaged in an inappropriate relationship with Pupil A whilst she was still attending the School Gymnastic club in that you:**

- a. **Asked Pupil A to send you a photograph of her breasts on one or more occasions;**
- b. **Sent Pupil A a photograph of a penis by text message;**
- c. **Offered to send Pupil A one or more images of your penis.**

The panel is satisfied, on the basis of Mr Watson's admission in the NOP Form, and on the evidence of Pupil A in her police interview (at pages 68 – 71 of bundle) that allegations 1(a)-1(c) are proven.

Pupil A told the Police that she had come to talk to them about inappropriate attention from her old gym teacher, and that she was attending the afterschool gymnastics sessions in 2013 when she was 17. Pupil A stated that, on about 14 March 2014, Mr Watson sent her a picture of a penis. Further that, on or about 27 April 2014, Mr Watson asked her to send him pictures of herself topless. Subsequently, Pupil A stated that Mr Watson later offered to send her pictures of his penis.

2. **Engaged in an inappropriate relationship with Pupil A, a former pupil, in that you:**
 - a. **On or around 24 March 2015 contacted Pupil A via Facebook Messenger;**
 - b. **Engaged in inappropriate conversations with Pupil A via Facebook Messenger;**

The panel is satisfied, on the basis of Mr Watson's admission in the NOP Form; Mr Watson's police interview on 3 July 2015, and from a close review of the transcript of the Facebook messages Mr Watson exchanged with Pupil A (at pages 82 – 118 of the bundle), that allegations 2(a)-2(b) are proven.

Mr Watson told the Police he had contacted Pupil A on Facebook one evening before the Easter holidays. Mr Watson explained there was a record of the conversation shown to the police when the allegations were first made to the police by Pupil A. Mr Watson told the police that he was not in a "*very good space*", due to his personal circumstances and was essentially "*sexually frustrated*". Mr Watson began to tell Pupil A he was "*feeling very stressed and frustrated sexually*". Mr Watson told the police further that "*basically I was asking for sexual favours on line which I know is not good behaviour if you are a teacher*". The panel has no difficulty in finding that the conversations Mr Watson engaged in with Pupil A on Facebook were inappropriate.

- c. **Sent messages of a sexual nature to Pupil A via Facebook Messenger;**

The panel is satisfied that Mr Watson sent Pupil A messages of a sexual nature via Facebook Messenger. For example, at page 91 of the bundle, Mr Watson told Pupil A

that a parent at the school starting talking to him and "*then just got her breasts out! And starting touching them. And asked me to fuck her.*" Mr Watson further stated to Pupil A "*I really need to cum before I go upstairs...could help me just by answering my questions on here?*" (page 111).

- d. Asked Pupil A to send you images of herself in her underwear and/or topless on one or more occasions;**

The panel is satisfied that, during Mr Watson's Facebook exchange, he asked Pupil A to send him images of herself in her underwear and topless on one or more occasions. For example, Mr Watson stated to Pupil A "*let me see you in your underwear or topless*" (page 95). Mr Watson further stated that "*in a really painful way here, 10 seconds of your breasts*" (page 108).

- e. Asked Pupil A to engage in a Skype conversation with you:**

- i. To watch you masturbate;**

- ii. To watch Pupil A undress;**

The panel is satisfied that Mr Watson asked Pupil A to engage in a Skype conversation with him to watch him masturbate and to watch Pupil A undress. For example, Mr Watson stated "*I really just need someone to watch me cum*" (page 94). Mr Watson further stated "*I mean could you turn on Skype and just forget it was on and get ready for bed or something*" and that "*seeing [Pupil A] getting undressed would help*" (page 107).

- f. Sent to Pupil A's personal email address an image of Pupil B in a state of undress;**

The panel is satisfied Mr Watson sent to Pupil A's personal email address an image of Pupil B in a state of undress. Mr Watson stated, with reference to Pupil B, that she had sent him "*naked pics before*" and he was sending Pupil A "*just a pic she once sent*" (pages 101 – 103). In Mr Watson's police interview, he admitted telling Pupil A that Pupil B had sent him nude pictures (page 54). Pupil A stated in her police interview that Mr Watson had sent her a "*quite provocative really picture of Pupil B*" (page 79).

- g. On or around 26 March 2015, you sent to Pupil A's personal email address one or more emails pretending to be Person Z, and in those emails you:**

- i. Sent an image of a naked female, which you suggested was Person Z;**

- ii. Asked Pupil A to send a naked image of herself.**

The panel is satisfied Mr Watson sent to Pupil A's personal email address one or more emails pretending to be Person Z and, in those emails, Mr Watson sent an image of a

naked female, which he suggested was Person Z and asked Pupil A to send a naked image of herself. In his police interview, Mr Watson admitted to pretending to be Person Z online and that he "*lied*" to Pupil A "*to try and solicit pictures*". Mr Watson admitted to sending Pupil A one or two emails (page 64). Copies of the emails are in the bundle and the panel is satisfied that one of them purports to be from Person Z, and attaching a picture of herself naked (page 120) and a further email, purporting to be from Person Z, asked Pupil A to send a "*return image*".

3. Engaged in an inappropriate relationship with Pupil B, a former pupil, in that you:

- a. Exchanged messages of a sexual nature with Pupil B using online means of communication;**
- b. Exchanged photographs of a sexual nature with Pupil B using online means of communication;**

The panel has noted Mr Watson's admissions in his police interview to sending messages and photographs of a sexual nature with Pupil B online. Mr Watson stated that, at some point, Pupil B had sent him a picture of herself in a waistcoat which had nothing underneath it and it was a provocative photo. Mr Watson replied to Pupil B stating that it "*looked nice*". Mr Watson stated that he sent her pictures of a "*sexual nature*" of himself nude, and with an "*erect penis*" (page 58).

- c. Sent Pupil B one or more emails, pretending to be Person Z, and in those emails you:**
 - i. Asked Pupil B to send one or more naked images of herself;**
 - ii. Asked Pupil B to film herself undressing;**

The panel has noted Mr Watson's admissions in his police interview that he pretended to be Person Z online for gratification and he sent Pupil B emails seeking naked images of herself. The panel has viewed the footage of Pupil B's interview with police. Pupil B's evidence was that Mr Watson filmed her stripping while in the attic at the school in response to Person Z's email request to do so. The panel considered Pupil B's account to be credible and truthful.

- d. Sent one or more photographs of Person Z in a state of undress and/or naked to Pupil B via email;**

The panel has noted Mr Watson's admission in his police interview to sharing naked pictures of Person Z on email with Pupil B (page 61). Pupil B confirmed this in her video evidence.

- e. **Engaged in one or more Skype conversations with Pupil B in which:**
 - i. **You masturbated;**
 - ii. **You watched Pupil B masturbate.**

The panel has noted Mr Watson's admission in his police interview to masturbating while on Skype and watching Pupil B masturbating too (page 59). Pupil B confirmed this in her video evidence.

- f. **Met Pupil B on one or more occasions on School premises and/or in the vicinity of the School and engaged in sexual activity.**

The panel has noted Mr Watson's admission during his police interview to touching Pupil B's bare breasts, after he had walked from the school to a park. Mr Watson admitted this aroused him (page 63). During her police interview, Pupil B stated that Mr Watson met up in the attic at the school on more than twenty occasions and engaged in physical touching including on Mr Watson's penis and her vagina and oral sex. The panel preferred Pupil B's evidence as to the frequency and nature of the sexual activity.

4. Your conduct at 1(a)-(c), 2(c)-(g) and 3(a)-(f) above was sexually motivated.

In determining whether the facts found proved, at paragraphs 1(a)-1(c) 2(c)-2(g) and 3(a)-3(f), were sexually motivated, the panel considered whether Mr Watson's conduct was for the purpose of his own sexual gratification or needs. The panel considered the position in relation to Pupil A and Pupil B separately.

The panel considered Mr Watson's admission to the police to feeling sexually frustrated, due to his personal circumstances. The panel also considered Mr Watson's admission to the police in pretending to be Person Z in order to solicit pictures from Pupils A and B and that this was for his "*gratification I suppose to get something from them*" (page 64).

In relation to Pupil A, Mr Watson told police during his interview that he was asking her for "*sexual favours on line*" and Mr Watson knew it was "*not good behaviour if you are a teacher*" (page 49). Mr Watson told Pupil A, during his Facebook message exchange, that he was feeling very frustrated sexually and expressed his need to find someone who would not mind seeing him masturbate (page 90). In relation to the facts the panel have found proven in relation to Pupil A, these comprise of requests for sexual images, offering to send Pupil A sexual images, and seeking to engage her in an act of watching Mr Watson masturbate. In addition, the panel considers that, when Pupil A did not reciprocate Mr Watson then pretended to be Person Z and sent Pupil A an image of a naked female and again tried to solicit a naked image in response. The panel considers Mr Watson's conduct was for his own sexual gratification. The panel considers the conduct was for the purpose of establishing a personal and sexual relationship with Pupil A and was, therefore, sexually motivated.

In relation to Pupil B, the panel has found proven that Mr Watson exchanged messages and photographs of a sexual nature, Mr Watson similarly pretended to be Person Z and sought to elicit naked images, and Mr Watson requested Pupil B to film herself undressing. Further, Mr Watson sent Pupil B naked images of Person Z. In addition, Mr Watson masturbated during conversations with Pupil B on Skype and watched Pupil B masturbating (Mr Watson described this to the police as "Cyber-sex"). Finally, Mr Watson engaged in sexual activity with Pupil B which involved direct 'hands on' touching and fondling. The panel considers that the conduct at paragraphs 3.a – 3.f was clearly for Mr Watson's own sexual gratification and was, therefore, sexually motivated.

5. You accepted a caution from Derbyshire Constabulary on 22 September 2015 for the offence of harassment between 24/3/15 - 27/03/15 contrary to Section 2(1) and 2(2) of the Protection from Harassment Act.

The panel has considered the copy of Mr Watson's signed caution dated 22 September 2015 for the offence of harassment, contrary to section 2(1) and 2(2) of the Protection from Harassment Act (page 121), and finds allegation 5 proven on the basis of the caution document.

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

The panel heard submissions from the presenting officer. It also carefully reviewed Mr Watson's submissions at pages 126 – 127 of the bundle. The panel were aware from the NOP Form that Mr Watson did not admit that the facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

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

The panel is satisfied that the conduct of Mr Watson in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Watson is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;

- showing tolerance of and respect for the rights of others;
- Teachers must have 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 Watson fell significantly short of the standards expected of the profession.

The panel has noted Mr Watson's submission that he acted in a way that was not appropriate and that he did overstep the bounds of the relationships he had with former pupils.

The panel has found allegation 1(a)-1(c) proven that Mr Watson engaged in an inappropriate relationship with Pupil A whilst she was still attending the school gym club. The panel has also found allegation 3(f) proven, that Mr Watson engaged in sexual activity on one or more occasions on the school premises with Pupil B and in the vicinity of the school. The panel considers that Mr Watson did not treat either pupil with dignity or respect and did not observe proper boundaries appropriate to his profession.

The panel notes that the allegations 2(a)-2(g) and 3(a)-3(e) took place outside of the immediate education setting. The panel, however, considers that at the time of the allegations Mr Watson was still in a position of trust and there were ongoing connections to the school in relation to Pupils A and B by way of afterschool clubs on the school premises. Mr Watson had been the pupils' teacher. Subsequently, Mr Watson was in charge of the afterschool gym club at which Pupil A attended and he coached Pupil A. Mr Watson accepted in his police interview that he was in a position of trust and in overall charge when he was leading the afterschool activity. Pupil B also attended the gym club and an environmental club at the school, at which Mr Watson also attended. The panel accepted that both relationships with Pupils A and B were formed and predicated on Mr Watson being their teacher originally, and the ongoing contact they had with him on the school premises at the afterschool clubs.

Accordingly, the panel is satisfied that Mr Watson 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 the teacher's actions constitute conduct that may bring the profession into disrepute.

Having found all of the facts of particulars 1, 2, 3, 4 and 5 proved, we further find that Mr Watson's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

The panel carefully considered the submissions of the presenting officer. It also carefully reviewed the submissions provided by Mr Watson at pages 126 – 128 of the bundle. It has accepted the advice of its legal adviser.

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 Watson, which involved repeated instances of serious, sexually motivated conduct of various types, involving two different former pupils, one over a protracted period of time, there is a strong public interest consideration in respect of the protection of pupils. The panel considers that there is a risk of repetition of the behaviour.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Watson were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel also 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 Watson 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 Watson.

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 Watson. 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;
- Misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- A deep-seated attitude that leads to harmful behaviour
- Abuse of a position of trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- Sexual misconduct e.g involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

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

The panel has accepted the teacher had no previous decisions against him.

The panel has noted that no references have been provided from any colleagues that can attest to his abilities as a teacher.

There was no evidence that the teacher's actions were not deliberate. The panel found quite the opposite. Mr Watson told the police he had a "*very addictive personality and it manifests itself*" in his sex drive. The panel considered that Mr Watson's behaviour was focused on him meeting his own sexual needs at the expense of his former pupils.

There was no evidence to suggest that the teacher was acting under duress.

The panel considered that Mr Watson had a real lack of insight into his behaviour. He did not recognise that Pupil B was vulnerable. He engaged in sexual activity with Pupil B on school premises, when it was possible that other pupils or colleagues could have seen this. Mr Watson's behaviour with Pupil A was harassing. The panel observed from the Facebook transcript that Pupil A made it repeatedly clear that his contact was unwelcome. His behaviour towards both pupils was manipulative.

The panel also considered that Mr Watson took steps to try and hide the behaviour, stating to Pupil A that he trusted she would not pass on what he asked of her and use it against him.

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 Watson. The abuse of a position of trust and the sexual misconduct were significant factors in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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. One of these behaviours include serious sexual misconduct, eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit persons. The panel has found the teacher has been responsible for systematic and sustained abuse of his position.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations before it to be proven. The panel has found by reference to Part Two of the advice published by the Secretary of State that Mr Watson is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- showing tolerance of and respect for the rights of others;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

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

- Serious departure from the personal and professional conduct elements of the Teachers' standards;
- Misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- A deep-seated attitude that leads to harmful behaviour
- Abuse of a position of trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- Sexual misconduct e.g involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

The panel have recommended that Mr Watson be prohibited from teaching. I have weighed the public interest considerations and the interests of Mr Watson. There was no evidence that the teacher's actions were not deliberate, in fact the panel found quite the opposite. I have carefully considered the panel's conclusions that Mr Watson's behaviour was focused on him meeting his own sexual needs at the expense of his former pupils.

In my judgement, in this case a prohibition order is both appropriate and is proportionate. The abuse of a position of trust and the sexual misconduct are significant factors in forming my opinion. For these reasons, I support the recommendation of the panel that a prohibition order is imposed on Mr Watson.

I now turn to the matter of a review period. I have noted that the panel found there to be no previous findings of misconduct against Mr Watson. The panel also sets out that it had not received any references as to Mr Watson's abilities as a teacher or any character references.

Like the panel, I consider Mr Watson has been responsible for a systematic and sustained abuse of his position.

I have read with care the advice on this matter. For the reasons given, taking into account the apparent lack of insight that his behaviour towards both pupils was manipulative and the serious nature of the sexual misconduct, I agree with the recommendation of the panel that there be no review period. In my view this is proportionate, in the public interest and in line with the published advice.

This means that Mr Thomas Watson 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 Watson 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 Watson 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 'JM', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 3 April 2017

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