



National College for
Teaching & Leadership

Mr Matthew Stuart McGowan: Professional conduct panel outcome

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

September 2017

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

Teacher: Mr Matthew Stuart McGowan

Teacher ref number: 0347846

Teacher date of birth: 9 June 1979

NCTL case reference: 15709

Date of determination: 31 August 2017

Former employer: Wycombe Abbey School, High Wycombe

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 30 and 31 August 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Matthew Stuart McGowan.

The panel members were Dr Geoffrey Penzer (lay panellist – in the chair), Mrs Ann Walker (former teacher panellist) and Dr Robert Cawley (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson LLP solicitors.

Mr McGowan was not present at the hearing (save that arrangements were made for him to give evidence by video link from overseas) but was represented by Mr Simon Pettet of NASUWT.

The hearing took place in public (save that the hearing went into private session for a very brief part of Pupil A's evidence) and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 5 June 2017.

It was alleged that Mr Matthew McGowan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute whilst employed by Wycombe Abbey School ("the School") in that he:

1. Developed an inappropriate relationship with Pupil A, whilst she was a pupil at the School by:
 - a. In or around 2013 writing '*Happy Valentines' Day from a secret admirer;*)' in Pupil A's diary or words to that effect;
 - b. Giving Pupil A his personal email address on or around 28 October 2014;
 - c. Sending Pupil A emails of an inappropriate nature on one or more occasions;
 - d. Giving Pupil A his private mobile phone number on or around 17 June 2015;
 - e. During meetings and/or rehearsals with Pupil A he:
 - i. Touched Pupil A's bottom;
 - ii. Stroked the insides of Pupil A's thighs;
 - iii. Hugged Pupil A;
2. Engaged in an inappropriate relationship with Pupil A, after she left the School, by engaging in sexual activity with her on School premises on one or more occasions;
3. Acted dishonestly and/or acted with a lack of integrity in that he asked Pupil A to give the police a false account of the nature of his relationship during the police investigation in 2016.

Mr McGowan admitted the facts alleged in 1 a, b, c and d and signed a Statement of Agreed Facts to that effect. Mr McGowan denied the facts alleged in 1 e, 2 and 3.

Mr McGowan accepted that the the facts alleged in 1a, b, c and d amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

Application to admit additional documents

Ms Atkin made an application to admit an email from the School dated 29 August 2017 containing a request for the hearing to take place in private. Mr Pettet did not oppose the application to admit this document and the panel agreed to admit it. The document was added to the bundle at pages 13A and 13B.

Mr Pettet made an application to admit statements from Mr McGowan and Individual A, doctor. Ms Atkin did not oppose this application and the panel agreed to admit the statements as pages 346 to 362.

Application for hearing to take place in private

Ms Atkin referred the panel to an email from the School dated 29 August 2017 containing a request that the hearing should take place in private. After hearing submissions from Ms Atkin and Mr Pettet and receiving legal advice, the Chair announced the decision of the panel as follows:

'The panel has noted the request from the School that the hearing should take place in private to protect the interests of pupils at the School. The panel has considered whether the hearing or any part of it should be held in private.

There is no application on behalf of Mr McGowan for the hearing to be held in private and the presenting officer has confirmed that after discussion with her, Pupil A has not requested that the hearing should take place in private.

The panel has also taken into account the fact that the outcome of the hearing must be announced in public in any event.

The panel has decided that the hearing should take place in public. The panel will keep under review throughout the hearing whether it is necessary to go into private session at any point.'

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 4

Section 2: Notice of Proceedings and Response – pages 6 to 19

Section 3: NCTL witness statements – pages 21 to 29

Section 4: NCTL documents – pages 31 to 212

Section 5: Teacher documents – pages 214 to 362

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

Witnesses

The panel heard oral evidence from:

- Pupil A, a former pupil at the School.
- Mr Matthew McGowan (by video link).

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Matthew McGowan was employed as a Drama Teacher at the School from 1 September 2011 until 12 September 2016.

A complaint was made by Pupil A's mother on 1 July 2016, which resulted in the School conducting an investigation into the relationship between Mr McGowan and Pupil A. Mr McGowan resigned from the School on 12 September 2016.

Findings of fact

The panel's findings of fact are as follows:

- 1. Developed an inappropriate relationship with Pupil A, whilst she was a pupil at the School by:**
 - a. In or around 2013 writing '*Happy Valentines' Day from a secret admirer;)*' in Pupil A's diary or words to that effect;**

Mr McGowan has admitted in a Statement of Agreed Facts that, on or around 14 February 2013, he wrote in Pupil A's diary, '*Happy Valentines' Day from a secret admirer;)*' or words to that effect. Mr McGowan also admitted that it was inappropriate for him to write this in Pupil A's diary.

In addition to Mr McGowan's admission, the panel has been provided with a copy of the relevant page from Pupil A's diary.

The panel finds 1a proved

b. Giving Pupil A your personal email address on or around 28 October 2014;

Mr McGowan has admitted in a Statement of Agreed Facts that he sent an email to Pupil A on or around 28 October 2014 which contained his personal email address. Mr McGowan has also admitted that, at the time that he sent the email, Pupil A was still a pupil at the School. Mr McGowan accepted that it was inappropriate for him to provide his personal email address to Pupil A.

The panel finds 1.b. proved.

c. Sending Pupil A emails of an inappropriate nature on one or more occasions;

Mr McGowan admitted in the Statement of Agreed Facts that he sent emails of an inappropriate nature to Pupil A on one or more occasions. Mr McGowan has accepted that the emails were informal in nature and that they were not sent for any educational or extra-curricular purposes. He has also admitted that, by sending such emails, he developed an inappropriate relationship with Pupil A.

The panel has considered the content of a considerable number of emails sent to Pupil A by Mr McGowan on dates between 9 January 2015 and 12 June 2015. The panel noted that, although some of the emails were for educational purposes, others were flirtatious and all were written informally. For example, one of Mr McGowan's messages stated, '*As you know I live for the stalking its always good to see the new videos however the swan dives aren't the hottest hahaha x*'.

The panel finds 1.c. proved.

d. Giving Pupil A your private mobile phone number on or around 17 June 2015;

Mr McGowan admitted that he sent an email to Pupil A on 17 June 2015 which contained his personal mobile number. At this time, Pupil A was still a pupil at the School. Mr McGowan has admitted that it was inappropriate to provide Pupil A with his personal contact number and that in doing so he developed an inappropriate relationship with her.

In his oral evidence, Mr McGowan stated that it was not uncommon practice at the School to provide contact numbers for students leaving the school at the end of sixth form and that he had done so in order that Pupil A could contact him for references.

However, in response to a question by Ms Atkin, Mr McGowan acknowledged that he also wanted another means of staying in touch with Pupil A.

The panel finds 1.d. proved.

e. During meetings and/or rehearsals with Pupil A you:

i. Touched Pupil A's bottom;

Pupil A stated in her written and oral evidence that, when she was still a pupil at the School, Mr McGowan made a comment about the leggings that she was wearing during a rehearsal and how much he liked them. Pupil A stated that, after he made this comment, Mr McGowan 'smacked' her bottom. Pupil A also stated that Mr McGowan subsequently touched her bottom more frequently. Pupil A said that this included Mr McGowan grabbing her bottom or pulling her up against him so that she felt him against her bottom and that this happened quite regularly.

Mr McGowan denied this and stated that he was always very careful when around students, including insisting that rehearsals were covered with another member of staff; usually Individual A, Senior Performing Arts Technician at the School. In considering this allegation, the panel has taken into account the written statement of Individual A in which she stated that Mr McGowan devised a system which involved him catching her eye and nodding if he wanted help in closing a meeting with a pupil. Individual A said that she would then enter with a message or problem that needed Mr McGowan's attention elsewhere. Individual A said that this system was used on several occasions in relation to meetings that Pupil A was having with Mr McGowan.

The panel preferred Pupil A's account. There is evidence in the 'flirtatious' emails that Mr McGowan exchanged with Pupil A about her appearance, including when wearing leggings. Pupil A stated that this was in the context of Mr McGowan commenting on the appearance of her bottom and showing interest in her personal photographs.

The panel concluded that, on the balance of probabilities, there were occasions when Mr McGowan touched Pupil A's bottom at the School during the time that she was a pupil.

Accordingly, the panel finds 1.e. i proved.

ii. Stroked the insides of Pupil A's thighs;

In relation to 1e.ii, Pupil A stated that, in the Spring term of her Year 13 during a dress rehearsal for a play, Mr McGowan sat next to her and stroked the inside of her thigh with his hand moving from her knee upwards. Pupil A only refers to this happening on one occasion.

Mr McGowan denies this allegation and said that on the occasion in question he never sat directly next to Pupil A and that there was a seat between them. Also, he said that

there were many other people present and physical contact would have been seen by others.

The panel was not satisfied that the allegation has been proved on the balance of probabilities as there is insufficient evidence.

iii. Hugged Pupil A;

In relation to 1.e.iii, Pupil A stated that Mr McGowan started hugging her in the Spring term of Year 13. Pupil A said that this first happened in the theatre kitchen and then happened on a more regular basis.

Mr McGowan denied hugging Pupil A. He stated that there was an acceptable form of contact known as the 'Wycombe Hug', which he described as contact that teachers could use should a student need comforting. He said that this was simply an arm around the shoulder. Mr McGowan said that he did not participate in this practice except on one occasion when he gave Pupil A a 'Wycombe Hug'. This was on 17 June 2015, which was Pupil A's final day, when saying goodbye to her. He stated that other pupils were present at the time.

The panel has concluded that Pupil A's account that Mr McGowan put his arms around her during the school year is more likely than not, particularly in the context of the relationship indicated by the content of the emails. Pupil A, in her oral evidence, described how on more than one occasion, Mr McGowan pulled her up against him.

The panel finds 1.e.iii. proved.

2. Engaged in an inappropriate relationship with Pupil A, after she left the School, by engaging in sexual activity with her on School premises on one or more occasions;

Pupil A stated that, after she left the School, she and Mr McGowan started speaking more and more via text and that this included the exchange of naked photos and videos. Pupil A stated that it was she who usually sent the photos to Mr McGowan. Pupil A stated that this grew into a physical relationship. Pupil A said that they started seeing each other more frequently around January 2016 and that they would see each other almost every week or couple of weeks. Pupil A stated that they became very physical, including engaging in oral sex and foreplay, but only had sexual intercourse on one occasion. Pupil A stated that some of the sexual activity took place in the School, specifically in Mr McGowan's office, and that they also met up on other occasions, such as in Mr McGowan's car.

Mr McGowan denied this allegation. He acknowledged that there were occasions when Pupil A came to see him at the School after she ceased to be a pupil. He said that Pupil A would seek to unload or unburden herself of personal issues that she had been dealing with. Mr McGowan said that this became a huge burden and that Pupil A would not get

the message that he was not interested in her being there. Mr McGowan said that his office, in which he met Pupil A, was in a busy location and that many people would pass its open door. In his oral evidence, Mr McGowan stated that, in January 2016, after his engagement had been announced, Pupil A came to see him. He said that Pupil A then, in effect, asked him to engage in a romantic relationship, which would mean him leaving his fiancée. Mr McGowan stated that he rejected this approach and his oral evidence was that he decided to distance himself from Pupil A thereafter. Mr McGowan stated that this was the catalyst for Pupil A's future behaviour towards him and is the explanation for Pupil A making false allegations against him. This explanation was not included in Mr McGowan's written statement or any earlier account. His oral evidence was the first time that he referred to this important event, which the panel found surprising.

The panel did not find Mr McGowan's account to be convincing. By his own account, Pupil A and he continued to meet on school premises, including his office, in January 2016 and subsequently. He also arranged to meet in a local coffee shop and spent time alone with Pupil A in his car, which is at odds with Mr McGowan's account that he distanced himself from her. Pupil A stated that they met on a number of occasions in the period between January and May 2016, during which there were episodes of sexual contact, which she described in explicit detail in her oral evidence. Pupil A also stated that Mr McGowan took care to ensure that their sexual activities occurred during times when other people were not in the public areas.

The panel concluded that it is more likely than not that sexual activity between Mr McGowan and Pupil A occurred on school premises.

The panel finds allegation 2 proved.

3. Acted dishonestly and/or acted with a lack of integrity in that you asked Pupil A to give the police a false account of the nature of his relationship during the police investigation in 2016.

Pupil A stated that, after her mother made a complaint to the School about Mr McGowan, she created an email from her business account and sent this to Mr McGowan which she hoped would give the impression that her relationship with Mr McGowan was more platonic than it had been. On the same day, Pupil A sent Mr McGowan another email from her personal email account. In that email, Pupil A suggested that Mr McGowan might wish to use the email sent from her business account as proof that there had not been an improper relationship. Pupil A stated that Mr McGowan had not asked her to create the email from her business account. The panel noted that, despite Mr McGowan providing the email from the business account to the School, the investigation continued. Pupil A stated that Mr McGowan contacted her by telephone to say that a police investigation was taking place and that he could potentially go to prison for his actions. Pupil A stated that Mr McGowan was emotional when he spoke to her and that he suggested that it would be better for both of them if Pupil A lied to the police and that he would subsequently resign from the School.

Mr McGowan accepts that he spoke by telephone to Pupil A after speaking to the Headmistress of the School on 8 July 2016. However, Mr McGowan denied that he asked Pupil A to lie to the police. The panel noted that Mr McGowan sent an email to Pupil A on 11 July 2016 in which he said, *'I really can't tell you what to say'*. Pupil A stated that she told the police that nothing sexual happened between her and Mr McGowan, although she did subsequently confirm to the police the account that she had given to the School in which sexual activity was reported.

In considering this allegation, the panel recognised that it had to be satisfied that Mr McGowan had specifically asked Pupil A to provide a false account of the nature of his relationship with her. Although the panel is satisfied that Mr McGowan did speak to Pupil A by telephone and by email prior to her first interview by the police, the panel cannot be satisfied that it is more likely than not that Mr McGowan asked Pupil A to give a false account.

The panel finds allegation 3. not proved.

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 document Teacher misconduct: The prohibition of teachers, which the panel refers to as “the Advice”

The panel is satisfied that the conduct of Mr McGowan in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr McGowan 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 is satisfied that the conduct of Mr McGowan was serious misconduct which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr McGowan's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that behaviour associated with the offence of sexual activity with a pupil is relevant.

Accordingly, the panel is satisfied that Mr McGowan is guilty of unacceptable professional conduct.

As to conduct that may bring the profession into disrepute, 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 panel finds that Mr McGowan'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. The panel also recognised that there may be circumstances in which there is a public interest in a teacher being able to continue to practise in their chosen profession. The panel has found a number of the public interest considerations 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 McGowan, which involved developing an inappropriate relationship with a pupil, there is a strong public interest consideration in respect of the protection of pupils.

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

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 McGowan 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 McGowan.

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 McGowan. 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, eg 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 is satisfied that the actions of Mr McGowan were deliberate. There is no evidence that he was acting under duress.

Mr McGowan did have a previously good history and was regarded as a first class teacher. However, the panel noted that after Mr McGowan had written *'Happy Valentines Day from a secret admirer'* in 2013, Mr McGowan assured the School that he had learnt a valuable lesson and would not do anything again to arouse suspicion. Despite this assurance, Mr McGowan was responsible for the conduct found proved in allegations 1.b-d, e.i., e.iii. and 2. in relation to the same pupil.

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 McGowan. The panel was not satisfied that the public declaration of the findings of unacceptable professional conduct and conduct that may bring the profession into disrepute would be an adequate measure to protect the public interest in this case. In reaching that conclusion, the panel has taken into account the fact that Mr McGowan has not shown clear insight into the severity of his misconduct and its impact on Pupil A.

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 to recommend that a review period of the order should be considered. The panel was mindful 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, 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 a person or persons.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found the majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has not found the facts proven, I have put these matters entirely from my mind. The panel has made a recommendation to the Secretary of State that Mr McGowan should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr McGowan 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 finds that the conduct of Mr McGowan fell significantly short of the standards expected of the profession.

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 or not 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 McGowan, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has found “behaviour associated with the offence of sexual activity with a pupil is relevant.” A prohibition order would therefore prevent the risk of repetition of this behaviour from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “Mr McGowan has not shown clear insight into the severity of his misconduct and its impact on Pupil A.” The panel has also commented that Mr McGowan’s actions “were deliberate. There is no evidence that he was acting under duress.” In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ being subject to similar behaviour. 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, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr McGowan were

not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of behaviour associated with sexual activity with a pupil 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 failure to impose a prohibition order might be regarded by the public 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 McGowan himself. The panel has said, “Mr McGowan did have a previously good history and was regarded as a first class teacher.”

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

In this case I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said it, “has taken into account the fact that Mr McGowan has not shown clear insight into the severity of his misconduct and its impact on Pupil A.”

I have also placed considerable weight on the comments of the panel concerning Mr McGowan’s conduct in relation to the same pupil despite giving assurances to the school that he had learnt a valuable lesson.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr McGowan 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 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 aims which a prohibition order is intended to achieve.

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. 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 a person or persons."

The panel has also said that allowing for no review period would be proportionate.

I have considered whether allowing for no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious sexual misconduct, the lack of either insight or remorse, and the fact that the conduct continued after it had been brought to Mr McGowan's attention.

I consider therefore that a prohibition order that allows for no review period is required to satisfy the maintenance of public confidence in the profession.

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



Decision maker: Dawn Dandy

Date: 7 September 2017

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