



Teaching
Regulation
Agency

Mr Simon Pratt: Professional conduct panel outcome

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

July 2018

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

Teacher: Simon Pratt
Teacher ref number: 0062044
Teacher date of birth: 29 April 1959
TRA reference: 15047
Date of determination: 26 July 2018
Former employer: Wrenn Academy

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 25 July 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Simon Pratt.

The panel members were Mr John Armstrong (lay panellist – in the chair), Ms Alison Robb-Webb (teacher panellist) and Mr Tony Heath (lay panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson LLP solicitors.

Mr Simon Pratt was not present and was not represented.

Subject to the exceptions highlighted below, the hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 30 May 2018.

It was alleged that Mr Pratt was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as a teacher at Wrenn Academy:

- 1 He failed to maintain appropriate boundaries in relation to Pupil A including by:
 - (a) drafting and / or sending a letter and / or email to Pupil A which expressed his feelings towards / about her;
 - (b) exchanged one or more text messages with her;
 - (c) exchanging one or more emails with her;
 - (d) asked her to go on a trip with him in his car that was unrelated to his teacher-pupil relationship and / or without her parents' consent.
- 2 His behaviour as may be found proven at allegation 1 above was sexually motivated.
- 3 He demonstrated a lack of integrity in that he:
 - (a) attempted to establish a more secretive means of communication with Pupil A
 - (b) asked her to delete one or more of the messages he had sent.

Mr Pratt admitted the facts of limbs 1 a), b) and c) but did not admit that such behaviour represented a failure to maintain appropriate boundaries in all of the circumstances.

Mr Pratt admitted the facts of limbs 3 a) and b) but did not admit that such behaviour demonstrated a lack of integrity.

The panel proceeded on the basis that the allegations were not admitted.

C. Preliminary applications

The panel reviewed the case management decision of 17 July 2018 to proceed in the absence of Mr Pratt. The presenting officer confirmed that the decision had been sent to Mr Pratt and that there had been no change in the position previously set out by Mr Pratt that he would not be attending the hearing. The panel received legal advice and accepted

that advice. The panel decided there was no reason to justify not proceeding in Mr Pratt's absence in all of the circumstances.

The panel reviewed the case management decision of 17 July 2018 to hear some of the evidence of Pupil A in private and decided to maintain this direction, but to keep it under review. The panel reviewed the case management decision to address evidence in relation to Mr Pratt's ill-health in private. The panel received legal advice and accepted that advice. The panel reviewed the written evidence in relation to the medical evidence, but did not refer to this in public session. The panel took the view that the outline and existence of Mr Pratt's ill-health, as opposed to its detail, was relevant to Mr Pratt's response to the allegations and there was therefore a strong public interest in this being referred to in the public decision, and this outweighed the interest of this evidence being dealt with only in private.

Prior to the conclusion of the case for the TRA, the presenting officer made an application to amend allegation 3 to refer to just a lack of integrity, and delete the phrase: "*and / or were dishonest*". The panel received legal advice and accepted that advice. The panel was of the view that this amendment narrowed the issues in dispute and caused no unfairness to Mr Pratt, and agreed the amendment to the allegation.

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 18

Section 3: Teaching Regulation Agency witness statements – pages 20 to 22

Section 4: Teaching Regulation Agency documents – pages 24 to 251

Section 5: Teacher documents – pages 253 to 642

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. The panel determined that aspects relating to the personal circumstances of Pupil A would be heard in private.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Pratt was employed as a business studies, economics and law teacher at the Wrenn Academy. Mr Pratt taught Pupil A when she was in years 10, 11 and 12. This case relates to allegations that Mr Pratt engaged in a course of inappropriate communications directed to Pupil A whilst she was a Year 12 pupil.

It is alleged that these communications culminated in Mr Pratt sending Pupil A an inappropriate letter. On 20 February 2016, and following receipt of this letter, the school was notified and Mr Pratt was the subject of an investigation which in turn gave rise to these proceedings. There is no evidence or allegation that Mr Pratt had any inappropriate physical contact with Pupil A.

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 You failed to maintain appropriate boundaries in relation to Pupil A including by:

(a) drafting and / or sending a letter and / or email to Pupil A which expressed your feelings towards / about her;

(b) exchanged one or more text messages with her;

(c) exchanging one or more emails with her;

(d) asked her to go on a trip with you in your car that was unrelated to your teacher pupil relationship and / or without her parents' consent.

The panel heard oral evidence from Pupil A and was able to test that evidence in questioning. Pupil A gave compelling evidence about how Mr Pratt's letter had confused and upset her. The panel noted that Pupil A did not seek to criticise Mr Pratt as a teacher and was positive about his teaching abilities, and the support he had given her to that point. The evidence of Pupil A was clear and balanced, and the panel regarded her as a credible witness.

Mr Pratt taught Pupil A over a number of years. Pupil A approached Mr Pratt about her personal problems and confided in him. Mr Pratt thus knew that Pupil A was, in a number of respects, vulnerable, and that she had taken him into her confidence. It is the panel's view that the conduct of Mr Pratt under this allegation should be seen in this context, namely in light of the personal situation and vulnerabilities of Pupil A as they were known to him.

Allegation 1 a)

Mr Pratt accepts writing the letter in question. The panel noted that he maintained that he had no memory of actually sending the letter. However, in the course of the subsequent investigation Mr Pratt acknowledged that sending the letter was "stupid".

Mr Pratt stated that at the material time he was suffering from work-related stress and was not in control of his actions. The panel accepts that there is medical evidence that Mr Pratt was suffering from some health issues (page 344) in May 2014 and again between 22 February 2016 and July 2016. However, there is no medical evidence that Mr Pratt's condition was so severe as to lead to a loss of control over his actions.

The panel also noted Mr Pratt's record of absence was not consistent with his suggestion that he had been unfit for work up to the point of the investigation into his conduct commencing. Indeed, prior to the complaint being made against him, limited absence due to ill health is recorded (page 250).

The panel did not accept Mr Pratt's assertion that he did not recall sending the letter. The panel did not regard Mr Pratt's account of his ill health as credible, and was of the view that he was fully aware of his actions at the time. For example, Mr Pratt informed Pupil A that he intended to send the letter. On 16 February 2016, Mr Pratt emailed Pupil A and stated that he would "upload a lengthy document later that afternoon" (page 97). He then emailed Pupil A to confirm receipt and also asked her to permanently delete the email attaching the letter.

The panel was provided with the school's policy and Code of Conduct (pages 180 to 194) in relation to contact with pupils, and was satisfied that Mr Pratt was aware of this policy. The panel also accepted the statement of Individual A, the safeguarding lead at the school, and was satisfied Mr Pratt had received safeguarding training (pages 91 to 93).

The Code of Conduct states, *inter alia*, that teachers must "not seek to establish social contact" with pupils. The Code also states that teachers must "not seek to build special relationships with pupils" (page 183, paragraph 4.1.5.4).

The panel noted that Mr Pratt sent the letter in question (pages 101 to 112) to Pupil A from a private email account. It was entitled 'my dearest' and was marked in the subject heading as "don't say you weren't warned".

The letter is lengthy and contains numerous personal references to his relationship with Pupil A. Direct reference is made to the personal issues which Pupil A had discussed with Mr Pratt. Furthermore, Mr Pratt makes extensive reference to Pupil A's physical appearance, such as her eyes, lips, skin, legs and clothing.

Mr Pratt states that he is in love with Pupil A (page 102) and that she has "always been in my heart" (page 103). Mr Pratt expresses his wish to touch, snuggle and kiss Pupil A.

The panel is satisfied on the balance of probabilities that Mr Pratt sent the letter in question to Pupil A. The letter is highly personal in nature and contains sexualised references to romantic and social encounters, physical contact with Pupil A, and Mr Pratt's personal feelings towards her. The drafting and the sending of the letter was in clear breach of the school's policy and represents an obvious and clear failure on Mr Pratt's part to maintain appropriate professional boundaries. The panel is satisfied that allegation 1 a) is proved.

Allegation 1 b)

Pupil A gave clear evidence that there were text exchanges with Mr Pratt. In the course of the investigation, Mr Pratt also admitted that there were text exchanges between them (page 124).

The Code of Conduct states that personal mobile telephone numbers should not be given to pupils (paragraph 4.12.2). As highlighted above, Mr Pratt knew that Pupil A was vulnerable. The panel is of the view that no such text message exchanges should have taken place without disclosing such communications to the school, particularly given Pupil A's personal position. Whilst the panel was given no detailed evidence relating to the content of the messages, it is of the view that the fact of such communications itself represents a failure on Mr Pratt's part to maintain appropriate professional boundaries.

The panel is satisfied that allegation 1 b) is proved.

Allegation 1 c)

Mr Pratt sent a number of emails to Pupil A from his work and a personal email account, including on one occasion the details of a personal email account he had set up for her.

On 16 February 2016, Mr Pratt sent Pupil A an email from his work email account stating that a document would be sent to her later that afternoon (page 97). The panel is satisfied that the document referred to was the letter subsequently sent the following day.

On 17 February 2016, Mr Pratt sent Pupil A the letter in question from a personal email account (page 100). Later that day, Mr Pratt emailed Pupil A from the same personal email account, and asked her to delete the letter he had sent (page 113).

Taken separately or together, the panel is satisfied the emails represented Mr Pratt's attempt to develop social contact with a pupil in breach of the Code of Conduct. The emails

did not relate to school work and, represent a failure on the part of Mr Pratt to maintain appropriate professional boundaries. The panel is satisfied that allegation 1 c) is proved.

Allegation 1 d)

This allegation relates to the evidence of Pupil A that Mr Pratt invited her to the coast without her parents' knowledge or consent. Mr Pratt stated that he had suggested taking Pupil A to a revision session, and not a social trip to the coast. Pupil A stated very clearly that her parents had cars and there would be no need for Mr Pratt to give her a lift to any such revision session. She was very clear that Mr Pratt had suggested taking her to the coast, and gave detailed evidence about the nature of this particular suggestion which reinforced her credibility.

The panel noted that Pupil A did not mention this invitation when she was first asked about it during the investigation. Pupil A was questioned about this and gave a clear explanation as to why she had not done so. The Panel accepted this explanation and on this point, preferred the evidence of Pupil A to Mr Pratt.

The panel was satisfied on the balance of probabilities that Mr Pratt invited Pupil A on a trip unrelated to teaching activity without her parents' consent, and that this represented a failure on his part to maintain professional boundaries. The panel is satisfied that allegation 1 d) is proved.

2 Your behaviour as may be found proven at allegation 1 above was sexually motivated.

The panel considered each of the particulars found proved at allegation 1 to assess whether they were sexually motivated. The panel received legal advice in relation to this allegation and accepted that advice.

The panel noted that Pupil A did not regard the letter as expressly sexual, but did find the letter confusing, and receipt of the letter clearly caused her significant distress and concern.

The panel regarded the letter as highly inappropriate in both tone and content. The letter amounts to a declaration of love and appreciation of Pupil A. Whilst there are no explicit sexual references, the panel was satisfied that elements of the letter are sexualised in nature, and indeed numerous references are made to his desire to touch and kiss Pupil A. Mr Pratt also refers to the "thrill" of imagining touching Pupil A's hair, and to his dreams of kissing her.

The panel carefully considered Mr Pratt's written submissions that he was not sexually motivated in writing and sending the letter. Mr Pratt agreed his letter was inappropriate, but strongly denied any sexual motivation. However, the panel considered Mr Pratt's assertion to be incompatible with the content of the letter, and therefore the panel does not accept his evidence on this point.

The panel was satisfied there were numerous references in the letter which illustrate Mr Pratt's sexualised thoughts towards Pupil A. Whilst there is no evidence that Mr Pratt directly propositioned Pupil A, or intended to do so, the panel is satisfied on the balance of probabilities that Mr Pratt's actions at allegation 1 a) were sexually motivated. The panel finds allegation 2 proved on the basis that his conduct at allegation 1 a) was sexually motivated.

There is no evidence that the text messages contained any sexual content or were motivated by an attempt to secure sexual gratification. The panel is thus not satisfied that Mr Pratt's actions at allegation 1 b) were sexually motivated.

There is no evidence that the emails, beyond the email which sent the letter which has been addressed already above, contained any sexual content, or were motivated by an attempt to secure sexual gratification. The panel is thus not satisfied that Mr Pratt's actions at allegation 1 c) were sexually motivated.

There is no evidence that the invitation to Pupil A to go on a social trip to the coast was accompanied by any suggestions of a sexual nature. The panel is thus not satisfied that Mr Pratt's actions at allegation 1 d) were sexually motivated.

3 You demonstrated a lack of integrity in that you

(a) attempted to establish a more secretive means of communication with pupil A

In the letter, Mr Pratt states that he had set up a new email account for Pupil A which she should use for communication with him on the basis that their communication could be kept secret. There is also reference to provision of a mobile phone to Pupil A which was anonymous and so "untraceable" (page 112).

The letter also refers to keeping in contact with Pupil A in the future, but using the new email account which he had set up, and Mr Pratt gives direction to Pupil A to not save her account details so that the messages cannot be detected.

The panel is satisfied that these acts took place, and that Mr Pratt attempted to create a scenario whereby they could communicate with one another undetected.

The panel received legal advice in relation to integrity and was referred to the case of *SRA v Wingate* 2018 EWCA Civ 366. Having regard to the Code of Conduct, and taking into account the professional standards and expectations of a teacher, the panel is satisfied that Mr Pratt's actions demonstrated a lack of integrity. Teachers are expected to adhere to codes of conduct and safe working practices regarding contact with pupils (see for example page 181).

Mr Pratt made inappropriate contact with Pupil A and then sought to ask her to keep such communications covert. Mr Pratt had neither regard to Pupil A's best interests nor had he considered the impact of his actions upon her. The panel found this allegation proved.

(b) asked her to delete one or more of the messages you had sent.

In the letter sent to Pupil A on 17 February 2016, Mr Pratt asked Pupil A to delete the email from her school email account which contained the link to the personal email account which he had set up for her. Mr Pratt also asks Pupil A to delete this email from her 'deleted box' to ensure that it was 'gone permanently'. Later that same day, Mr Pratt wrote to Pupil A and asked her to delete the letter which he had emailed (page 113).

On this basis, the panel is satisfied that Mr Pratt asked Pupil A on at least two occasions to delete his communications to her.

The panel is satisfied that these actions represent a flagrant departure from safe working practices, and principles governing acceptable contact with pupils. Mr Pratt was seeking to conceal his communications with Pupil A, and involve her in that process, in a way that fundamentally undermines safeguarding principles regarding the protection of pupils. The panel is satisfied that Mr Pratt's actions demonstrated a lack of integrity. The panel is satisfied on the balance of probabilities that this allegation is 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 proved, the panel has gone on to consider whether the facts of those proved 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 Pratt in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Pratt 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 ...
- 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 Pratt amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Mr Pratt's actions in relation to all the allegations found proved represent fundamental departures from the standards expected of a teacher. Mr Pratt's actions undermined the principle of safeguarding pupils and created a risk that Pupil A would suffer harm. It was clear from the evidence of Pupil A that the actions of Mr Pratt caused her distress and confusion, and she remains upset about what had taken place.

The panel is of the view that Mr Pratt conducted himself without proper regard to how his actions might impact Pupil A, particularly given her personal issues and vulnerabilities which were well-known to him. Mr Pratt completely failed to take into account Pupil A's best interests in communicating with her, and then seeking to involve her in concealing his correspondence to her. Furthermore, the panel found Mr Pratt's actions to have been a betrayal of the trust that Pupil A had placed in him at that time as a teacher.

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

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.

Having found the facts of particulars 1, 2 (to the extent referred to above) and 3 proved, the panel finds that Mr Pratt'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.

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 had regard to 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 protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Pratt, which involved failure to maintain appropriate professional boundaries in his communications with Pupil A, sexually motivated communications with Pupil A in the form of a letter, and a lack of integrity in requesting Pupil A to conceal his communications, 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 Pratt were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel took the view that there was a strong public interest consideration in declaring proper standards of conduct in the profession as the nature of the conduct found against Mr Pratt was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Pratt.

In carrying out the balancing exercise, the panel weighed the public interest considerations both in favour of and against prohibition together with the interests of Mr Pratt. 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.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether 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 noted that Mr Pratt lost his employment and was subject to an interim prohibition order which prevented him from teaching for a considerable period following referral of this case to the TRA in 2016, over two years ago.

The panel accepted that Mr Pratt was exposed to work pressures and suffered some ill-health in consequence. The panel acknowledged that Mr Pratt to be of previous good character and had a good teaching record. Indeed, the balance of evidence indicates that he was well-regarded as a teacher. However, the panel received no specific references or character statements from, or in support of, Mr Pratt.

The panel noted that Mr Pratt had engaged with the investigation and that he sought help with his health aimed at addressing his behaviour. However, whilst Mr Pratt co-operated with the TRA and provided detailed written submissions to the panel, he did not attend the hearing, and on balance, the panel is of the view that Mr Pratt has not presented any evidence which clearly demonstrates genuine insight into his conduct and its impact on Pupil A. The panel was concerned that this lack of insight presented insufficient reassurance that the risk of the conduct in question being repeated was negligible.

The panel did not regard the actions of Mr Pratt as occurring under duress. Indeed, the panel is of the view that Mr Pratt's actions were considered and therefore deliberate. Whilst Mr Pratt has expressed regret, the panel was of the view that this fell short of remorse. Indeed, Mr Pratt sought to explain his behaviour by reference to Pupil A and to some extent sought to apportion some responsibility to her for his actions. The panel regard this as an aggravating feature when considering the totality of Mr Pratt's conduct.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen, recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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 Pratt.

The vulnerability of Pupil A as known to Mr Pratt, the nature of his conduct, its sexual motivation, his abuse of a position of trust and the fact that Mr Pratt made attempts to conceal his conduct, 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 it would be appropriate to recommend the inclusion of a review period. The panel was mindful of the Advice that a prohibition order applies for

life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against a review period being recommended. This list includes serious sexual misconduct, or conduct 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.

The panel found that Mr Pratt's conduct at allegation 1 a) was sexually motivated and resulted in some harm to Pupil A. However, the panel took the view that whilst this misconduct was inherently serious, it was not at the most serious end of the scale, and there was no actual or attempted physical contact. Additionally, the inappropriate actions took place within a relatively short timeframe. The panel had careful regard to the personal circumstances of Mr Pratt, and whilst the panel does not accept that these circumstances amounted to duress, or justify his behaviour, the panel does accept Mr Pratt's evidence that he was experiencing some degree of work-related stress and distress in relation to his personal circumstances. In view of these factors, the panel sees no reason why Mr Pratt should not in the future be capable of demonstrating clear insight into his misconduct.

The panel felt the findings indicated a situation in which a review period would be appropriate, and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of not less than 2 years.

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 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 facts proven I have put these matters from my mind. The panel has made a recommendation to the Secretary of State that Mr Pratt should be the subject of a prohibition order, with a review period of two years.

In particular the panel has found that Mr Pratt 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 ...
- 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 Pratt fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of sexual misconduct.

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 Pratt, 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 observed “failure to maintain appropriate professional boundaries in his communications with Pupil A, sexually motivated communications with Pupil A in the form of a letter, and a lack of integrity in requesting Pupil A to conceal his communications, there is a strong public interest consideration in respect of the protection of pupils.”

A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “whilst Mr Pratt co-operated with the TRA and provided detailed written submissions to the panel, he did not attend the hearing, and on balance, the panel is of the view that Mr Pratt has not presented any evidence which clearly demonstrates genuine insight into his conduct and its impact on Pupil A.” The panel has also commented that, “Whilst Mr Pratt has expressed regret, the panel was of the view that this fell short of remorse. Indeed, Mr Pratt sought to explain his behaviour by reference to Pupil A and to

some extent sought to apportion some responsibility to her for his actions. The panel regard this as an aggravating feature when considering the totality of Mr Pratt's conduct." In my judgement the lack of full insight means that there is some risk of the repetition of this behaviour and this risks future pupils' well being. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Pratt were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual misconduct 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 Pratt himself. The panel acknowledged, "that Mr Pratt to be of previous good character and had a good teaching record. Indeed, the balance of evidence indicates that he was well-regarded as a teacher. However, the panel received no specific references or character statements from, or in support of, Mr Pratt." The panel also say it accepted, "Mr Pratt was exposed to work pressures and suffered some ill-health in consequence."

A prohibition order would prevent Mr Pratt from continuing that work. 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, "The panel was concerned that this lack of insight presented insufficient reassurance that the risk of the conduct in question being repeated was negligible."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Pratt has made to the profession and to Mr Pratt's ill health at the time. 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 full 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 a 2 year review period.

I have considered the panel's comments "that Mr Pratt's conduct at allegation 1 a) was sexually motivated and resulted in some harm to Pupil A. However, the panel took the view that whilst this misconduct was inherently serious, it was not at the most serious end of the scale, and there was no actual or attempted physical contact. Additionally, the inappropriate actions took place within a relatively short timeframe. The panel had careful regard to the personal circumstances of Mr Pratt, and whilst the panel does not accept that these circumstances amounted to duress, or justify his behaviour, the panel does accept Mr Pratt's evidence that he was experiencing some degree of work-related stress and distress in relation to his personal circumstances. In view of these factors, the panel sees no reason why Mr Pratt should not in the future be capable of demonstrating clear insight into his misconduct."

The panel has also said that it felt, "the findings indicated a situation in which a review period would be appropriate"

I have considered whether a 2 year 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, whilst the findings of misconduct are serious, having considered the factors outlined by the panel above, I am of the view that a two year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Simon Pratt 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 8 August 2020, 2 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 Pratt remains prohibited from teaching indefinitely.

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

Mr Pratt 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 'D. Dandy', with a stylized, sweeping flourish extending to the right.

Decision maker: Dawn Dandy

Date: 31 July 2018

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