



Teaching
Regulation
Agency

Mr Simon Thatcher: Professional conduct panel outcome

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

October 2018

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Professional conduct panel decision

Teacher: Mr Simon Thatcher
Teacher ref number: 9910608
Teacher date of birth: 27 March 1975
TRA reference: 16358
Date of determination: 31 October 2018
Former employer: Bushloe High School (now Wigston Academy)

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 29 October 2018 to 31 October 2018 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Mr Simon Thatcher.

The panel members were Professor Roger Woods (former teacher panellist – in the chair), Mr Chris Rushton (lay panellist) and Mr Phillip Riggon (teacher panellist).

The legal adviser to the panel was Mr Tomos Jones of Eversheds-Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Louisa Atkin of Browne Jacobson solicitors.

Mr Simon Thatcher was not present and was not represented.

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 August 2018.

It was alleged that Mr Thatcher was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a science teacher at Bushloe High School:

1. he engaged in inappropriate and/or aggressive physical contact with Pupil A, in that on or around 13 July 2016 he pushed Pupil A;
2. his conduct as may be found proven at allegation 1;
 - a. caused Pupil A to fall and/or hit his head;
 - b. caused harm and/or injury to Pupil A.

C. Preliminary applications

Firstly, the panel considered an application from the presenting officer to proceed in the absence of Mr Thatcher.

The panel is satisfied that the TRA has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, ("the Regulations"). The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, ("the Procedures").

The panel has determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of Mr Thatcher.

The panel understands that its discretion to commence a hearing in the absence of Mr Thatcher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has noted that Mr Thatcher may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel is satisfied that Mr Thatcher is aware of the proceedings. The Notice of Proceedings was sent to Mr Thatcher on 30 August 2018 and, therefore, more than 8 weeks' notice has been given. The panel is satisfied that the Notice of Proceedings was sent to an address that Mr Thatcher has previously responded to (Mr Thatcher's last known address). Additionally, Mr Thatcher, through his representative, has stated that he was not going to attend the hearing but referred the panel to the evidence that he provided to Leicestershire police on 2 August 2016.

The panel has noted that witnesses are present and are ready to give evidence and would be inconvenienced should the hearing be rescheduled. Finally, the panel has noted that it is in the general public interest for the hearing to proceed despite Mr Thatcher's absence. The panel therefore considers that Mr Thatcher has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in Mr Thatcher attending a future hearing.

The panel has taken into account the extent of the disadvantage to Mr Thatcher in him not being able to give his account of events, having regard to the nature of the evidence against him. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr Thatcher's account.

The panel has had regard to the seriousness of this case, and the potential consequences for Mr Thatcher and has accepted that fairness to Mr Thatcher is of prime importance. However, it considers that in light of Mr Thatcher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

For the above reasons, the panel has decided to proceed with the hearing in the absence of Mr Thatcher. The panel therefore directs its attention to consider the other preliminary issues.

The presenting officer applied to admit an additional document into evidence. The document is an email exchange between Mr Thatcher's representative and the TRA caseworker for this hearing.

Paragraph 4.20 of the Procedures requires each party to submit to the panel and the other party to the proceedings, a copy of the document at least four weeks prior to the hearing. However, this email exchange did not take place until 8 to 9 October 2018, less than four weeks prior to the hearing.

Paragraph 4.25 of the Procedures states that if either party wishes to rely at the hearing upon any document not served in accordance with these requirements, then that document may only be admitted at the discretion of the panel.

With regard to the exercise of that discretion, paragraph 4.18 of the Procedures states that the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel is satisfied that the document is relevant to the case as it confirms that Mr Thatcher has received the Notice of Proceedings; that Mr Thatcher will not be attending the hearing and that he will not be represented at the hearing.

By reason of the above, the panel has decided to admit the additional document into evidence. The document will be admitted into Section 5 of the hearing bundle index ("Teacher Documents") at pages 259-260.

During the hearing, the presenting officer also made an application to amend the allegation by amending the name of the school in which Mr Thatcher was employed at the time of the incident, from "Wigston Academy" to "Bushloe High School".

Before making the amendment, the panel considered the representation of the presenting officer as to why the change was required, namely that Mr Thatcher was employed as a science teacher at Bushloe High School, not Wigston Academy on 13 July 2016 (the date that the alleged incident involving Mr Thatcher and Pupil A took place). The panel also heard advice from the legal adviser on this issue.

The panel considered that the amendment proposed (i) was the correction of an error, (ii) does not change the nature, scope or seriousness of the allegation, and (iii) would not result in there being any prospect of Mr Thatcher's case being presented differently had the amendment been made at an earlier stage. For those reasons, the panel considered that Mr Thatcher would suffer no unfairness or prejudice if the allegation was to be amended. The panel also considered that there is a strong public interest in the allegation being amended.

For the above reasons, the panel agreed to the amendment.

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 1 to 3

Section 2: Notice of Proceedings and Response – pages 4 to 12

Section 3: Teaching Regulation Agency witness statements – pages 13 to 20

Section 4: Teaching Regulation Agency documents – pages 21 to 252

Section 5: Teacher documents – pages 253 to 260

In addition, the panel agreed to accept the following:

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

Witnesses

The panel heard oral evidence from the vice principal of Wigston Academy, who was headteacher at the time of the incident as well as evidence from the mother of Pupil A. Both witnesses were called 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.

Mr Thatcher was employed as a science teacher at Bushloe High School. On or around 13 July 2016, it is alleged that, following an altercation between Mr Thatcher and Pupil A, Mr Thatcher pushed Pupil A, causing Pupil A to fall and/or hit his head and causing harm and/or injury to him.

On 13 July 2016, Mr Thatcher was called in at short notice to a music class to cover for another teacher. Pupil A was present in this class. The arrangement in the school was such that Pupil A was not to be taught by Mr Thatcher and Pupil A brought this to Mr Thatcher's notice. Mr Thatcher agreed that Pupil A should leave the classroom. An incident occurred at the door during which Pupil A claimed that Mr Thatcher swore at him. A few minutes later, Pupil A opened the door to the classroom and shouted "bald-headed prick". At the conclusion of the lesson, Mr Thatcher left the classroom. This was the final lesson of the day and the pupils were preparing to leave the school. In the corridor close to the classroom, Pupil A was talking to friends and was heard to say derogatory remarks about Mr Thatcher. The teacher heard the remarks and walked across to challenge Pupil A.

A number of pupils observed the resulting incident. Mr Thatcher approached Pupil A. Both Mr Thatcher and Pupil A are in agreement that Mr Thatcher was standing and bending down very close to Pupil A. The boy claimed that Mr Thatcher "got in my face" and he tried to walk around him to get away from the teacher.

Pupil A claimed that Mr Thatcher pushed him, causing him to hit his head on a shelf behind him. Pupil A fell to his knees. Another teacher found Pupil A on the floor, upset and crying. Following the incident, Mr Thatcher turned his back on Pupil A and left the scene. Mr Thatcher told the police he felt threatened by Pupil A and pushed him away. He claimed he was not aware that Pupil A had hit his head on anything.

The panel had access to hearsay testimony from pupils and teachers; CCTV footage of pupil and teacher movements close to the incident and oral testimony from Pupil A's mother and the head teacher of the school.

Mr Thatcher did not immediately report the incident but he did send an email to the head of the science department at Bushloe High School on 14 July 2016, in which he provided a very brief summary of the incident. Mr Thatcher was suspended on 23 August 2016 and he resigned on 24 October 2016.

The school immediately conducted a preliminary investigation, taking statements from those present at the incident. Pupil A's mother was notified and reported the incident to the police. The school took advice that evening from the LADO and agreed to leave the further investigation to the police.

Findings of fact

The panel's findings of fact are as follows:

1. Mr Thatcher engaged in inappropriate and/or aggressive physical contact with Pupil A, in that on or around 13 July 2016, he pushed Pupil A;

The panel considers that, on the balance of probabilities, Mr Thatcher engaged in inappropriate and aggressive physical contact with Pupil A, in that on or around 13 July 2016, he pushed Pupil A.

Mr Thatcher admitted pushing Pupil A in his interview with Leicestershire Police on 2 August 2016. There was convincing and consistent testimony from several pupils who were at the scene of the incident. Pupil E reported in her witness statement: "I saw a year 6 or 7 child talking back to the teacher. I saw the teacher push the child into like, a filing cabinet. He hit his head." Statements from Pupils B and C were taken at the time of the incident. Pupil B reported in a statement given by him to the school, no more than 15 minutes after the incident took place, that "[Mr Thatcher] pushed [Pupil A] on one shoulder and [Pupil A] hit his head on the corner of the shelves." A teacher whose report the panel had been provided with stated that "I found [Pupil A] sitting on the floor extremely upset and crying... [Pupil B] and [Pupil C] told me that Mr Thatcher had pushed [Pupil A] into the lockers and he had banged his head."

The panel viewed Pupil A's police interview in which Pupil A stated "he pushed me . . . and I've gone backwards with it and he's like pushed me really hard....".

The panel noted that Pupils B and C were friends of Pupil A, but the panel also saw evidence from Pupils E, F, G, H. These pupils were girls in Year 8 who did not know Pupil A. Their evidence supported the view that Mr Thatcher pushed Pupil A and that he hit a shelf or locker and was hurt and upset.

The panel also viewed CCTV footage from a number of positions which, whilst not showing the actual incident, provided a useful context showing the movements of pupils and teachers, including Mr Thatcher, between the time of the incident and Mr Thatcher leaving the premises.

Mr Thatcher told the police that he pushed Pupil A away because he felt threatened. The panel considers that, on the balance of probabilities, he could have followed school guidelines and de-escalated the situation without pushing Pupil A. The panel considered the push inappropriate and aggressive.

The panel was aware that whilst the evidence relied upon was hearsay evidence, the panel found it to be consistent and compelling.

The panel therefore finds this allegation proved.

2. Mr Thatcher's conduct as may be found proven at allegation 1;

a. caused Pupil A to fall and/or hit his head;

The panel considers that, on the balance of probabilities, Mr Thatcher's conduct caused Pupil A to hit his head and fall.

On 14 July 2016, Mr Thatcher sent his head of department an email account of the incident whereby Mr Thatcher stated that "I moved him [Pupil A] away from me and he bumped his head."

The panel found the six pupil witnesses and Pupil A's evidence clear in their statements that, as a result of Mr Thatcher pushing Pupil A, he hit his head.

The panel is not clear as to whether Pupil A hit his head against a filing cabinet, a locker or a shelf because the statements differ and the CCTV footage is not clear in this regard.

The panel felt that, because the statements differed with regard to the detail of exactly what Pupil A's head encountered, this lent credence to their veracity.

The panel therefore finds this allegation proved.

b. caused harm and/or injury to Pupil A.

The panel considers that Pupil A was very upset as a result of being pushed by Mr Thatcher and subsequently hitting his head and dropping to his knees.

Pupil E states in her witness statement that "as the pupil hit the floor, he started to cry..." Likewise, in the witness statement of Pupil A's mother, she states that "he was extremely upset and told me that Mr Thatcher had pushed him". Pupil A's mother reiterated this in her oral evidence.

The panel took legal advice on the definition of harm. The legal adviser stated that the definition of harm used by the Disclosure and Barring Service is the definition included in the dictionary, which includes physical harm, emotional harm and psychological harm.

As a result of Mr Thatcher pushing Pupil A, witnesses stated that he was “extremely upset” and, according to Pupil A and his mother, he had a lump on the back of his head.

Although there is no medical evidence to confirm that Pupil A suffered a physical injury, the panel found that the video recording of Pupil A’s police interview to be persuasive and credible. Pupil A stated in the interview “I had a lump for like two days.” His mother gave evidence that the lump was there for longer.

The panel considered the evidence regarding the lump on the back of Pupil A’s head. In the school’s first aider’s handwritten notes (made shortly after the incident had taken place), she stated that she felt Pupil A’s head and that she could not see or feel an obvious injury.

Overall, on the balance of probabilities, the panel concluded that Pupil A suffered harm and injury as a result of the push by Mr Thatcher and, therefore, allegation 2b. is found to be proven.

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

Having found 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 Thatcher, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Thatcher 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’ wellbeing, 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.

The panel is satisfied that the conduct of Mr Thatcher fell significantly short of the standards expected of the profession. The panel concluded that Mr Thatcher did not treat Pupil A with dignity or respect by aggressively pushing him. He did not observe proper boundaries and failed to treat a vulnerable pupil with the care and attention required of a teacher. Mr Thatcher failed to follow the advice that he received from the school, as a result of previous incidents with Pupil A, on how to manage this pupil.

Mr Thatcher failed to take into account his safeguarding responsibilities in dealing with an upset and angry pupil, failing to have regard for the pupil's wellbeing.

Based on the evidence from the headteacher and the safeguarding documents included in the hearing bundle, the panel considers that Mr Thatcher should have been aware of the school's safeguarding policies. In particular, he had received advice on how to de-escalate a challenging situation. Mr Thatcher had also received guidance on the health and vulnerable conditions of Pupil A and particularly, as a result of previous incidents with Pupil A, the panel considers that he should have taken regard of these policies.

Accordingly, the panel is satisfied that Mr Thatcher 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.

Accordingly, the panel is satisfied that Mr Thatcher's behaviour was such that would bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

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

All of the allegations were found proven and in the panel's view amounted to unacceptable professional conduct and conduct which could bring the profession into disrepute. There is a strong public interest consideration in respect of the protection of pupils given the serious findings.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Thatcher 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 Thatcher 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 Thatcher.

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 Thatcher. 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).

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 mitigate 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.

Mr Thatcher's actions were deliberate and he was not acting under duress. Although the panel acknowledged that Mr Thatcher had a previously good history, he has not provided any evidence to suggest that a similar incident would not happen again. The panel also notes that Mr Thatcher was not present in the hearing to provide his account of the incident or to provide any mitigating evidence. The panel was provided with no evidence of the quality of Mr Thatcher's teaching, neither did the panel receive any testimonial evidence about his personal or teaching qualities.

The panel acknowledges that Mr Thatcher may have been provoked by Pupil A. However, as he was the adult and teacher in that situation, Mr Thatcher should have

taken measures to de-escalate the situation and he should not have placed a hand on Pupil A. As there had been difficulties in the relationship between Mr Thatcher and Pupil A, which Mr Thatcher had received advice from the school about, he should have been aware of the dangers of confronting Pupil A in the way that he did.

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, despite the severity of the consequences of prohibition for the teacher.

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 Thatcher. 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 was 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 mitigate against a review period being recommended. The panel considered the possibility that the bullet point of “violence” might cover the allegations found proven here. The panel took legal advice as to the dictionary definition of “violence”- behaviour involving physical force intended to hurt, damage or kill someone or something. There was no evidence that Mr Thatcher *intended* to harm or injure Pupil A.

Consequently, the panel concluded a review period would be appropriate and as such decided that it would be proportionate to recommend a prohibition order with provision for a review after a period of three years. In reaching this view, the panel stated that Mr Thatcher would need to demonstrate that he has learnt from what happened and that he would follow the correct procedures if a similar incident arose again in the future.

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 both of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Thatcher should be the subject of a prohibition order, with a review period of three years.

In particular the panel has found that Mr Thatcher 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' wellbeing, 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.

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 Thatcher, 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 that, " He did not observe proper boundaries and failed to treat a vulnerable pupil with the care and attention required of a teacher. Mr Thatcher failed to follow the advice that he received from the school, as a result of previous incidents with Pupil A, on how to manage this pupil.

Mr Thatcher failed to take into account his safeguarding responsibilities in dealing with an upset and angry pupil, failing to have regard for the pupil's wellbeing."

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, "he has not provided any evidence to suggest that a similar incident would not happen again. The panel also notes that Mr Thatcher was not present in the hearing to provide his account of the incident or to provide any mitigating evidence." In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observes that it, "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."

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 Thatcher himself. The panel has said that it, "acknowledged that Mr Thatcher had a previously good history." However the panel also sets out that it was, "provided with no evidence of the quality of Mr Thatcher's teaching, neither did the panel receive any testimonial evidence about his personal or teaching qualities."

A prohibition order would prevent Mr Thatcher from teaching and 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 lack of insight or remorse.

I have also placed considerable weight on the finding of the panel that Mr Thatcher, "should have taken measures to de-escalate the situation and he should not have placed a hand on Pupil A. As there had been difficulties in the relationship between Mr Thatcher and Pupil A, which Mr Thatcher had received advice from the school about, he should have been aware of the dangers of confronting Pupil A in the way that he did."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Thatcher 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 a 3 year review period.

I have considered the panel's comments "There was no evidence that Mr Thatcher *intended* to harm or injure Pupil A."

For these reasons I consider that a review period is appropriate. The panel has also said that a 3 year review period would "be proportionate." The panel recommend that the three year period will enable Mr Thatcher "to demonstrate that he has learnt from what happened and that he would follow the correct procedures if a similar incident arose again in the future."

I have considered whether a 3 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, 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 misconduct found, the lack of either insight or remorse, and the failure to follow advice.

I consider therefore that a three year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Simon Thatcher 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 November 2021. 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 Simon Thatcher remains prohibited from teaching indefinitely.

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

Mr Simon Thatcher 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 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 2 November 2018

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