



Teaching  
Regulation  
Agency

# **Dr Stephen Jones: Professional conduct panel outcome**

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

**March 2019**

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

**Teacher:** Dr Stephen Jones

**Teacher ref number:** 1578388

**Teacher date of birth:** 26 February 1967

**TRA reference:** 14506

**Date of determination:** 26 March 2019

**Former employer:** St Columba's College ("the College"), St Albans

### **A. Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the Agency") convened on 18 March 2019 to 26 March 2019 at the Simulation Centre, Coventry University Technology Park, Coventry, CV1 2TT .

The panel members were Mr Ian Carter (teacher panellist – in the chair), Ms Jean Carter (lay panellist) and Mr Geoffrey Penzer (lay panellist).

The legal adviser to the panel was Mr Dean Hickey of Eversheds Sutherland (International) LLP (solicitors).

The presenting officer for the Agency was Ms Samantha Paxman of Browne Jacobson LLP (solicitors).

Dr Stephen Jones 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 15 January 2019.

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

1. He failed to maintain proper professional boundaries and/ or pursued an inappropriate relationship in respect of Pupil A in that he:

- a. agreed to become Pupil A's confirmation sponsor;
- b. went on holiday with Pupil A and his family without informing the College:
  - i. to Italy in August 2014;
  - ii. to Canada in December 2014 and stayed for 5 days alone with Pupil A;
  - iii. to Ireland in April 2015 and travelled back with Pupil A alone;
- c. gave lifts to Pupil A in his vehicle;
- d. had contact with Pupil A via telephone and/ or text message;
- e. took Pupil A away on day and/ or overnight trips on his own without informing the College and/ or allowed his parents to think that these were College trips
- f. stayed in the same hotel room as Pupil A whilst away on the trips described at 1e above.
- g. installed software on Pupil A's computer to track his location and phone/ computer use and checked up on him
- h. arranged for private Counselling sessions for Pupil A on College premises without informing the College and/or seeking full parental consent;
- i. bought gifts for Pupil A;
- j. took Pupil A to the cinema;
- k. breached the terms of his suspension in that he had contact with Pupil A whilst suspended from his employment despite being warned not to do so;

2. He failed in his safeguarding responsibilities in relation to 1h above

3. He organised field trips and/ or extra-curricular activities without the College's knowledge and/or following proper procedures (including having in place proper risk assessments and/or EV forms and/or parental consent);

4. He failed to maintain proper professional boundaries in respect of Pupil B in that he:
  - a. communicated with him by text message;
  - b. bought him gifts;
  - c. bought him alcohol whilst on a trip to the New Forest without his parents' consent;
  - d. took Pupil B and other Pupils on a trip to New Forest without any other adult present and without informing the College and/or parents that no other adult would be present
5. He failed to maintain proper professional boundaries in respect of Pupil C in that he:
  - a. bought him gifts;
  - b. bought him alcohol on a trip to the New Forest without his parents' consent;
  - c. took Pupil C and other Pupils on a trip to New Forest without any other adult present and without informing the College and/or parents that no other adult would be present
6. His conduct as may be found proven at allegation 1 and/or 4 and/or 5 was sexually motivated.
7. His conduct as may be found proven at allegations 1b and/or 1e and/or 1h and/or 3 was dishonest.

## **C. Preliminary applications**

### **Proceeding in Absence**

The panel considered an application from the presenting officer to proceed in the absence of Dr Jones.

The panel was satisfied that TRA has complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

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

The panel understood that its discretion to commence a hearing in the absence of the teacher 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 noted that the teacher 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 further noted that sufficient notice (8 weeks) of the proceedings had been given, that the Notice of Proceedings was sent to the legal representative of Dr Jones who was instructed to take service and previous correspondence with the TRA indicated that the teacher did not intend to appear nor send legal representation to the hearing. The panel therefore considers that the teacher has waived his right to be present at the hearing in the knowledge of when and where the hearing was to take 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. Given that these proceedings commenced in 2015 when a referral to the TRA (then NCTL) was made, the panel determined that there was a strong public interest in proceeding without further delay. The panel saw no indication that an adjournment might result in the teacher attending the hearing.

The panel has had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel has had the benefit of contemporaneous documents previously submitted by the teacher and a statement addressing the allegations and proffering Dr Jones' response. The panel was able to ascertain lines of the defence and tested the evidence in questioning witnesses, the panel did not identify any significant gaps in the documentary evidence. Further, the panel was also able to exercise vigilance in making its decision, drawing upon its experience and taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel also noted that there were a considerable number of witnesses (10) due to give evidence at the hearing and that it would be inconvenient and distressing for them to return again.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher'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 the hearing continuing .

## **Adjournment Application**

The panel considered a written application on behalf of the teacher for adjournment of the hearing on the grounds that the TRA had failed to fully comply with the directions for disclosure made on behalf of the Secretary of State dated 22 February 2019.

The panel heard representations on Dr Jones' application from the presenting officer and noted the witness statement of Individual A and its exhibits. The panel was persuaded that the College and the TRA had taken all reasonable steps to comply with the disclosure direction.

The panel noted that once staff left the College, their emails were archived in an encrypted password-protected file. The panel heard that the College was not able to ascertain the password. The panel specifically noted that the College subsequently had sought the services of an IT expert, 7Safe. The panel accepted the written evidence in Individual A statement that the documents requested were irretrievable by commercially available means. The panel accepted Individual A evidence that the encryption could only probably be deciphered by law enforcement agencies.

The panel therefore refused the Teacher's Application on the grounds that the panel considered that the TRA and the College had complied with the directions for disclosure. The information which it was not able to obtain could not be said to be held by the College as it was stored on an encrypted server which was not accessible. The panel therefore determined that on the evidence presented to it, an adjournment would not facilitate any further disclosure.

## **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: Teaching Regulation Agency witness statements – pages 21 to 1266

Section 4: Teaching Regulation Agency documents – pages 1269 to 1508a

Section 5: Teacher documents – pages 1510 to 1533

### **Late Documents**

Dr Jones applied to admit Pupil A's witness statement as evidence. That witness statement was not served in accordance with the requirements of paragraph 4.20 of the

Procedures, and as such the panel was required to decide whether those documents were to be admitted under paragraph 4.25 of the Procedures at the discretion of the panel.

The panel noted that the admission of Pupil A's witness statement was not opposed by the presenting officer. The panel exercised caution in exercising this discretion given that it has determined to proceed with this hearing in the absence of the teacher.

Under paragraph 4.18 of the Procedures, 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 was satisfied that Pupil A's witness statement was relevant to the case as he was the alleged victim of a number of particulars and sub-particulars of the allegation.

Pupil A's witness statement was paginated 1534 to 1541.

In response to Dr Jones' application for adjournment, the presenting officer applied to admit additional documents in support of the TRA's position that the disclosure directions had been complied with ("the Adjournment Bundle"). The panel determined to admit the documents as evidence as they were directly relevant to the adjournment application which it had been asked to consider.

The panel determined to admit the Adjournment Bundle as a separate bundle and it was paginated 1 to 76.

The panel members confirmed that they had read all of the documents in advance of the hearing and read the documents accepted at the hearing during the course of proceedings.

## **Witnesses**

The panel heard oral evidence from

- Witness A [REDACT]
- Witness B [REDACT]
- Witness C [REDACT]
- Witness D [REDACT]
- Witness E [REDACT]
- Witness F [REDACT]
- Witness G [REDACT]
- Witness H [REDACT]



- Pupil A
- Pupil B
- Pupil C

### **Pupil A**

The panel exercised its power under paragraph 4.68 of the Procedures and determined to call Pupil A as a witness.

Having considered Pupil A's witness statement, which it had previously agreed to admit into evidence, the panel determined that Pupil A's evidence was material to the case before it. The panel noted that Pupil A was the subject / alleged victim of a number of the particulars of the allegation against Dr Jones.

Following representations from the presenting officer and legal advice, the panel determined that Pupil A should be considered a vulnerable witness. The panel was advised of the options which were available to safeguard the welfare of vulnerable witnesses under paragraph 4.72 of the Procedures. The panel, mindful of its obligation under paragraph 4.71 of the Procedures, determined to hear Pupil A's evidence in private.

### **Application from Dr Jones**

On the afternoon of 22 March 2019, the panel received notice of an application from Dr Jones via the presenting officer. The panel was told that as a result of its earlier decision to refuse Dr Jones' application to adjourn the hearing that he now wished to: give evidence to the panel through video-link, provide an updated witness statement and provide two further witness statements from a former member of College staff and the former College nurse.

Following representations from the presenting officer and having received legal advice, the panel determined to refuse this application. The panel was minded of its power under paragraph 4.18 of the Procedures, to admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was minded of all of the reasons that it had considered in taking its decision to proceed in the absence of Dr Jones at the commencement of the hearing. The panel determined that it had taken sufficient steps to mitigate the risk of it coming to the wrong conclusion on the facts due to the absence of the teacher. For example, the panel had taken the necessary steps to ascertain Dr Jones' lines of defence on the basis of the documents Dr Jones had previously submitted. The panel had ensured that it put questions to those witnesses which Dr Jones, had he chosen to engage in the proceedings, may have put to them.

The panel was minded that Dr Jones had made the application after the TRA had closed its case. The TRA had called 10 witnesses in support of its case and would not be able to put Dr Jones' updated statement to those witnesses. The panel was mindful of its obligations to ensure fairness to Dr Jones but also to consider fairness to the TRA. The panel considered that it would create an unreasonable unfairness against the TRA should it allow the application.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirmed that they had read all the documents provided to it in the bundle in advance of the hearing and read the documents provided to it by the parties during the course of the proceedings.

Dr Stephen Jones was appointed as a teacher of Religious Education at St Columba's College in St Albans (which we refer to in the remainder of our decision as "the College") in September 2002. In 2007, Dr Jones was promoted to Assistant Deputy Headmaster (Pastoral), he was promoted again in September 2013 to the College's senior leadership team. In 2015 the parents of Pupils A, B and C raised complaints with the College concerning Dr Jones' behaviour. The complaints centred around concerns that Dr Jones had crossed professional boundaries in his interactions with the pupils. The College investigated the concerns and following a disciplinary investigation and subsequent appeal, Dr Jones was dismissed from his position in July 2015 for gross misconduct.

### **Findings of fact**

Our findings of fact are as follows:

We have found the following particulars and sub-particulars of the allegation against you proven, for these reasons:

#### **1. You failed to maintain proper professional boundaries and/ or pursued an inappropriate relationship in respect of Pupil A in that you:**

##### **a. agreed to become Pupil A's confirmation sponsor;**

The panel was satisfied by Dr Jones' factual admission and the evidence presented to it that on the balance of probabilities this sub-particular was proven.

##### **b. went on holiday with Pupil A and his family without informing the College:**

###### **i. to Italy in August 2014;**

**ii. to Canada in December 2014 and stayed for 5 days alone with Pupil A;**

**iii. to Ireland in April 2015 and travelled back with Pupil A alone;**

The panel was satisfied by Dr Jones' factual admission and the evidence presented to it that on the balance of probabilities this sub-particular was proven in its entirety.

**c. gave lifts to Pupil A in your vehicle;**

The panel was satisfied by Dr Jones' factual admission and the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**d. had contact with Pupil A via telephone and/ or text message;**

The panel was satisfied by Dr Jones' factual admission and the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**e. took Pupil A away on day and/ or overnight trips on his own without informing the College and/ or allowed his parents to think that these were College trips**

The panel was satisfied by Dr Jones' factual admission and the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**f. stayed in the same hotel room as Pupil A whilst away on the trips described at 1e above.**

This sub-particular was not factually admitted by Dr Jones however the panel was satisfied by the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**h. arranged for private Counselling sessions for Pupil A on College premises without informing the College and/or seeking full parental consent;**

The panel was satisfied by Dr Jones' factual admission and the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**i. bought gifts for Pupil A;**

The panel was satisfied by Dr Jones' factual admission that he bought some gifts related to his role as a confirmation sponsor and the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**j. took Pupil A to the cinema;**

The panel was satisfied by Dr Jones' factual admission and the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**k. breached the terms of your suspension in that you had contact with Pupil A whilst suspended from your employment despite being warned not to do so;**

The panel was satisfied by Dr Jones' factual admission and the evidence presented to it that on the balance of probabilities this sub-particular was proven.

The panel has gone on to consider whether the findings it has made on the facts it has found proved in particular 1 individually constitute failures to maintain proper professional boundaries and/or indicate that Dr Jones pursued an inappropriate relationship in respect of Pupil A.

In respect of sub-particular 1.a., the panel heard evidence from Witness C and Witness F, that it was acceptable for members of staff to become the confirmation sponsors of pupils. However, staff were to only take on this obligation with the College's consent. Moreover, the panel finds that it is not merely the fact Dr Jones was Pupil A's confirmation sponsor but rather the nature of how Dr Jones undertook his role which is of issue.

The panel heard evidence from Pupil B of his relationship with his confirmation sponsor. The panel found Pupil B to be a credible witness and carefully listened to his account of how his confirmation sponsor, who also taught at the College, carried out his role and his involvement in Pupil B's life. The panel found that it was notable that Pupil B's confirmation sponsor had fulfilled a limited role immediately prior to the confirmation ceremony and immediately after. Pupil B told the panel that this was the full extent of his confirmation sponsor's involvement. The panel noted the contrast in approach between Dr Jones and Pupil B's confirmation sponsor due to the high degree of involvement Dr Jones sought in the life of Pupil A and his family to the point that he acted as a 'third parent'. Further, the panel also heard from Witness C that Pupil B's confirmation sponsor had informed the College and sought permission prior to undertaking the role.

The panel was able to ascertain that Dr Jones' defence was that the College's policy did not explicitly prohibit teachers from carrying out the role of confirmation sponsor. However, the College's own policy makes clear that where no specific guidance exists on a subject, that teachers are to exercise their own judgement. This exercise of judgement is fettered by the expectation that a teacher will fulfil their obligation to consult senior staff and make note of their decision and/or judgements in writing for the sake of full transparency. The panel saw no evidence that Dr Jones had met any of these obligations in respect of Pupil A. Regarding this sub-particular, the panel has not made a finding on Dr Jones' motivations for undertaking his actions as Pupil A's confirmation sponsor but it does find that Dr Jones clearly failed to maintain proper professional boundaries in the manner in which he carried out his role.

The panel notes that it is for teachers not parents nor pupils to set and maintain proper professional boundaries. In failing to maintain proper professional boundaries, Dr Jones

caused an inappropriate relationship to occur. It was clear to the panel that an over-familiar relationship was allowed to develop between Pupil A and Dr Jones.

Turning to sub-particular 1.b. Dr Jones confirms in his letter to the College dated 18 May 2015 (“the Letter”) that he did go on holiday with Pupil A and his family to Italy. At Dr Jones’ suggestion, Pupil B also accompanied them. The panel finds that Dr Jones displayed a considerable lapse in judgement in accompanying Family A and Pupil B on holiday. It should have been clear to Dr Jones that this was not acceptable behaviour for a teacher and resulted in a blurring of what should have been clearly defined professional boundaries between Dr Jones and the pupils. Further, the panel was particularly concerned by the evidence of Witness G that Dr Jones took steps to separate himself and the pupils from the rest of the group and that Dr Jones and the pupils spent considerable time together. The panel also noted the evidence of Pupil B which supports Witness G’s account that Dr Jones and the pupils spent considerable time apart from Pupil A’s parents whilst on this holiday.

The panel finds that it was similarly inappropriate for Dr Jones to travel with Pupil A and his mother to Canada and subsequently Ireland in 2015. On both occasions, the panel heard evidence that Dr Jones spent time alone with Pupil A. The panel has not seen evidence that Dr Jones formally notified the College of any of the three holidays.

On sub-particular 1.c., the panel found that Dr Jones had provided Pupil A with lifts in his car on many occasions. The panel noted that some of these lifts were carried out with the consent of Witness G, however, a number of lifts were carried out with consent only sought only retrospectively and a number with no consent whatsoever. The panel heard evidence from the current Witness C and Witness B both of whom made clear that the College’s policy is for teachers to only give pupils lifts when no alternative arrangements can be found, as a last resort and that the College should always be formally informed subsequently. The panel found this to be a sensible approach which respects the need for teachers to maintain proper professional boundaries. Conversely, the panel found Dr Jones’ approach to be indicative of a failure to maintain an appropriate professional boundary with Pupil A.

Turning its mind to sub-particular 1.d., the panel found clear evidence that Dr Jones had contact with Pupil A through calls and text messages. The panel finds it was manifestly inappropriate for Dr Jones to have done so. The panel found that the degree of correspondence between Pupil A and Dr Jones forms part of a pattern of behaviour on behalf of Dr Jones to pursue an inappropriate relationship with the pupil.

Moving on to sub-particular 1.e., the panel had sight of the list of trips compiled by Witness G with input from the College to indicate which were not official trips. Having considered this evidence in addition to oral evidence from Witness C and Witness B, it was clear that Dr Jones had organised a number of trips which were not on the College calendar nor organised in accordance with College procedures.

Further, the panel has had sight of text messages between Dr Jones and Witness G which demonstrate that Dr Jones allowed Witness G to believe that Pupil A was attending trips which were sanctioned by the College. The panel was particularly concerned that it appeared Dr Jones did nothing to correct Witness G's perception and in fact played upon this misunderstanding to his advantage. The panel finds that Dr Jones clearly acted with a disregard for appropriate professional boundaries by embarking on trips with Pupil A on his own, failing to notify the College of these trips and allowing the parents of Pupil A to believe mistruths about the nature of such trips. The panel finds that this behaviour to be deceitful and indicative of Dr Jones' pursuit of an inappropriate relationship with Pupil A.

In reaching its determination on sub-particular 1.f., the panel took account of the oral and documentary evidence of Witness H. In particular, it noted the receipts for hotel bookings (which were uncovered as part of the College's investigation) and considered how these correlated with the information on trips taken by Pupil A and Dr Jones contained in Witness G's calendar. The panel also took into account Pupil A's oral evidence that he could not remember whether he had shared a room with Dr Jones whilst a pupil at the College. Taking into account all of the evidence, the panel concluded that it was more likely than not that Dr Jones and Pupil A had stayed together in the same hotel room on at least one occasion. The panel considered that Dr Jones had not made any alternative arrangement for Pupil A to stay elsewhere and the College's investigation into Dr Jones' financial management had not uncovered additional bookings for supplementary rooms.

Looking at sub-particular 1.h., the panel noted Dr Jones' admission given during his interview with Individual B as part of the College's internal investigation that he arranged and paid for counselling for Pupil A and the supporting admission in Dr Jones' letter dated 18 May 2015 that he had "provided [Pupil A] with a counsellor". From the evidence presented to the panel, it was clear that Dr Jones had not ensured that the counsellor was Disclosure and Barring Service (DBS) checked nor did he officially inform the College that the counselling was being carried out on College premises. These actions represent serious safeguarding failures.

Furthermore, it was clearly not appropriate for Dr Jones to have arranged counselling without clear and unequivocal consent from Pupil A's parents. Relatedly, it was also inappropriate for Dr Jones to arrange counselling without informing the relevant persons within the College (i.e. the DSL) of what was being carried out on College premises and for what purpose. The panel finds that this was again a clear breach of proper professional boundaries and was indicative of the inappropriate relationship Dr Jones sought to pursue with Pupil A.

On sub-particular 1.i., the panel considered the evidence brought before it and Dr Jones' factual admission that he had provided Pupil A with a range of gifts. For example, the panel singled out the trip to Rome for Pupil A and his family and the Fenix 2 GPS watch as gifts of inappropriately high value.

Whilst some gift-giving between teachers and pupils is permitted, this will usually amount to gifts of an insignificant value and occur at Christmas or at the end of term. The panel was concerned by the apparent regularity and high-cost of the gifts which Dr Jones gave to Pupil A. The panel is minded that in giving gifts of a significant value (such as the trip to Rome and the watch); Dr Jones caused an imbalance in his relationship with Pupil A and his family. The panel observes that the giving of gifts of value in turn creates an obligation on behalf of the receiver. The panel has concerns about the rationale of gift-giving at the level which the evidence the panel has been presented with implies. Therefore, the inappropriate relationship Dr Jones caused to come about with Pupil A through gift-giving demonstrates a failure to maintain proper professional boundaries.

In considering sub-particular 1.j., the panel noted Dr Jones' admission as part of the College's disciplinary investigation and the receipts for the trip to the Swiss Cottage Odeon included in documentary evidence. The panel therefore concludes that Dr Jones did take Pupil A to the cinema, the panel further finds that this was without the agreement of Pupil A's parents who had thought he was studying at the library. The panel considers Dr Jones' actions to have been inappropriate as they clearly undermined the authority of Pupil A's parents.

Turning its mind to sub-particular 1.k., the panel determined that Dr Jones' actions, regardless of any intention or purposes he professes, to be inappropriate. In maintaining contact with Pupil A, Dr Jones acted in a way which was contrary to a reasonable term set out in his suspension from employment. The panel notes that this term was in place to protect both Dr Jones and Pupil A. The panel considers Dr Jones' actions at this sub-particular to have been inappropriate because Dr Jones should have had due regard for the policies and the procedures of the College, including the terms of his suspension.

## **2. You failed in your safeguarding responsibilities in relation to 1h above;**

As the panel found sub-particular 1.h. proven, the panel went on to consider particular 2.

The panel found that Dr Jones failed to adhere to basic safeguarding responsibilities and his actions at sub-particular 1.h. amount to serious safeguarding failings.

The panel found that Dr Jones had received considerable safeguarding training (level 2) and 'safer recruitment' training. Dr Jones should have therefore been fully aware of his safeguarding responsibilities in respect of Pupil A and in the appointment of the Counsellor. It should have been clear to Dr Jones that any adult carrying out a regulated activity should have been DBS checked and added to the College's Single-Central Register (SCR).

Therefore the panel finds particular 2. proven on the balance of probabilities.

## **3. You organised field trips and/ or extra-curricular activities without the College's knowledge and/or following proper procedures (including having in place proper risk assessments and/or EV forms and/or parental consent);**

In considering this particular, the panel focused specifically on the arrangements for a trip to the New Forest in May 2014. The panel heard witness evidence of the Witness D that EV1s were essential as they ensured that the College had knowledge of the trip so that appropriate arrangements for staffing could be made and so that it could be added to the College calendar to inform both parents and staff. The panel noted that during the College's disciplinary investigation, extensive searches were undertaken for the EV1 form relating to this trip and nothing was found.

The panel noted that this was in breach of the College's trips policy and staff Code of Conduct. Witness D told the panel that the risk assessment prepared by Dr Jones for this trip using the EV3 form was 'generic' and somewhat 'thin' and was only signed off after the trip had started. This clearly compromised the safety of the pupils on the trip, particularly, as the pupils were potentially undertaking high risk activities.

Considering the evidence before it, on the balance of probabilities, the panel found this particular proven.

**4. You failed to maintain proper professional boundaries in respect of Pupil B in that you:**

**a. communicated with him by text message;**

The panel was satisfied by the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**b. bought him gifts;**

The panel was satisfied by the evidence presented to it that on the balance of probabilities this sub-particular was proven.

**c. bought him alcohol whilst on a trip to the New Forest without his parents' consent;**

The panel was satisfied by Dr Jones' admission and Pupil B's evidence that on the balance of probabilities that this sub-particular is proved.

**d. took Pupil B and other Pupils on a trip to New Forest without any other adult present and without informing the College and/or parents that no other adult would be present**

The panel was satisfied by the evidence presented to it that on the balance of probabilities it was more likely than not that this sub-particular is proved.



The panel has gone on to consider whether the findings it has made on the facts it has found proved in particular 4 individually constitute failures to maintain proper professional boundaries in respect of Pupil B.

On sub-particular 4.a., the panel noted the oral evidence of Pupil B who told the panel that he had messaged Dr Jones through text and on Snapchat. Witness E who confirmed that she had spoken to Dr Jones and that she had confronted him about the messages which he had sent to Pupil B. Witness E told the panel that she had gone to Dr Jones out of concern for his position and he told her that “he told the boys to delete the messages”. The panel finds that in texting and/or calling Pupil B, Dr Jones failed to maintain appropriate professional boundaries and was in contravention of College policies. The panel considers any communication between a teacher and pupil on a teacher’s personal phone to be improper and an indicator of an inappropriate relationship.

Considering sub-particular 4.b., Pupil B told the panel that Dr Jones had bought him a US Navy SEAL knife whilst on the way to the New Forest. This was confirmed by Witness E who told the panel that she had found this knife belonging to her son. Considering the books which Dr Jones is alleged to have given to Pupil B, the panel preferred Pupil B’s evidence rather than Dr Jones’ account given during a police interview that the books were loaned and not gifted. Witness E confirmed that Pupil B had received a number of books as gifts including a copy of Dr Jones’ book. The panel considered this to have been a failure by Dr Jones to maintain proper professional boundaries for the reasons it has set out at sub-particular 1.i. above.

Moving on to sub-particular 4.c., the panel considers it highly inappropriate for Dr Jones to have purchased alcohol for Pupil B. The panel noted Witness E’s evidence that Pupil B had discussed (with his brother) drinking on a trip to the New Forest. The panel finds that it was more likely than not that this alcohol was bought by Dr Jones. The panel considers that it is not a teacher’s role to introduce his pupils to alcohol. The panel did not find a permissive culture towards alcohol at the College as suggested by Dr Jones. The panel considers that the purchasing of alcohol represents a failure by Dr Jones to maintain proper professional boundaries and to be indicative of the inappropriate relationship Dr Jones sought to pursue with Pupil B.

Sub-particular 4.d., the panel noted that Pupil B was clear in his evidence that there was a trip to the New Forest where Dr Jones was the only adult present. Pupil B’s account was endorsed by Witness E in her recollection of events. The panel therefore considered it was more likely than not that Dr Jones had been the only adult present on one or more trips to the New Forest. The panel considered this to have been a failure by Dr Jones to maintain proper professional boundaries and follow College procedures for the reasons it has set out at sub-particular 1.e. above.

## **5. You failed to maintain proper professional boundaries in respect of Pupil C in that you:**

**a. bought him gifts;**

The panel was satisfied by Pupil C's evidence that on the balance of probabilities that this sub-particular is proved.

**b. bought him alcohol on a trip to the New Forest without his parents' consent;**

The panel was satisfied by Dr Jones' admission and Pupil C's evidence that on the balance of probabilities that this sub-particular is proved.

**c. took Pupil C and other Pupils on a trip to New Forest without any other adult present and without informing the College and/or parents that no other adult would be present.**

The panel was satisfied by the evidence presented to it that on the balance of probabilities it was more likely than not that this sub-particular is proved.

The panel has gone on to consider whether the findings it has made on the facts it has found proved in particular 5 individually constitute failures to maintain proper professional boundaries in respect of Pupil C.

Considering sub-particular 5.a., the panel noted Pupil C's oral evidence regarding the book on the Crusades which he had witnessed Dr Jones purchase for him on Amazon whilst he stood behind him in his office. The panel found Pupil C to be a credible and reliable witness and preferred Pupil C's evidence over Dr Jones' and determined that the book given to Pupil C was a gift and not a loan. The panel considers this to have been a failure by Dr Jones to maintain proper professional boundaries for the same reasons it has set out at sub-particular 1.i. above.

On sub-particular 5.b., the panel again considered Pupil C's oral evidence and his clear recollection of Dr Jones buying drinks for Pupils A, B and C in a pub whilst on a trip to the New Forest. The panel also heard evidence from Pupil A that he did not recall visiting a pub with Dr Jones or consuming alcohol. However, the panel preferred the evidence of Pupil C. The panel considers it highly inappropriate for Dr Jones to have purchased alcohol for Pupil C. The panel notes that it is not a teacher's role to introduce his pupils to alcohol. The panel noted the evidence of Witness F and her concern that Pupil C had consumed alcohol whilst on a trip to the New Forest. The panel did not find a permissive culture towards alcohol at the College as suggested by Dr Jones. The panel considers that the purchasing of alcohol represents a failure by Dr Jones to maintain proper professional boundaries and to be indicative of the inappropriate relationship Dr Jones sought to pursue with Pupil C.

Turning to sub-particular 5.c., the panel noted the evidence of Pupil C who told the panel that he couldn't be sure whether any other adult was present on the trips to the New Forest as they had all merged into one. For comparison, the panel took into account the

evidence of Pupil B who was certain that he, Pupil A and C were accompanied by Dr Jones and no other adults on at least one trip to the New Forest. The panel therefore considered it was more likely than not that Dr Jones had been the only adult present on at least one trip to the New Forest. The panel further noted the evidence of Witness F and her belief that the trips organised by Dr Jones were sanctioned by the College with appropriate staffing. The panel considers Dr Jones' actions a clear failure to maintain proper professional boundaries for the reasons it has set out at sub-particulars 4.d. and 1.e. above.

## **7. Your conduct as may be found proven at allegations 1b and/or 1e and/or 1h and/or 3 was dishonest.**

Having found particulars 1b, 1e and 1h proven, the panel has gone on to consider whether Dr Jones' actions were dishonest with reference to the test established in the Supreme Court case of *Ivey v Genting (Casinos) UK Ltd*.

The panel was not persuaded by the evidence adduced by the TRA that Dr Jones had been dishonest in regards to actions at sub-particular 1.b. The panel found that whilst dishonesty could have been present, it was more likely than not that Dr Jones' actions in failing to inform the College were due to mistake or carelessness.

Turning to sub-particular 1.e. and particular 3, the panel found that Dr Jones' behaviour in respect of both the sub-particular 1.e. and particular 3 to be clearly dishonest. The panel considered the evidence of text message exchanges between Dr Jones and Witness G regarding day and overnight trips. It was clear to the panel that Dr Jones actively allowed Witness G to believe that the trips he had arranged with Pupil A were official trips organised by the College. Dr Jones clearly worked to create an illusion in the minds of the parents of Pupil A.

The panel found that Dr Jones' actions in respect of sub-particular 1.h. were plainly dishonest. It was clear to the panel on the evidence that Dr Jones had acted dishonestly in concealing the purpose and details of the arrangements for Pupil A's counselling both from his parents and the College. The panel also notes that it has not seen or heard (from Witness G) any evidence of the parents of Pupil A giving informed consent for the counselling to commence.

We have found the following sub-particular and particular of the allegation against you not proved:

### **1. g. installed software on Pupil A's computer to track his location and phone/computer use and checked up on him**

Whilst the panel did find that Dr Jones had installed software to monitor Pupil A's use of his computer and phone, it was not able to find that he had himself installed software specifically to track Pupil A's location.

The panel found that evidence of Witness G regarding Dr Jones' knowledge of Pupil A's location to be circumstantial. The panel was not convinced that sufficient evidence was presented to find that on the balance of probabilities that Dr Jones had himself installed location tracking software on Pupil A's phone.

Therefore, this sub-particular was not proven.

## **6. Your conduct as may be found proven at allegation 1 and/or 4 and/or 5 was sexually motivated.**

The panel considered the entirety of the evidence put before it. The panel went to great lengths to understand Dr Jones' motivations in carrying out the actions pertaining to the particulars and sub-particulars which it found proven. The panel specifically questioned those witnesses who appeared before it on what they considered to be Dr Jones' motivation. Whilst a number of witnesses said they believed Dr Jones' behaviour amounted to grooming, none of them said that they believed that Dr Jones was sexually motivated in his actions. In the absence of any other evidence, the panel did not find that the TRA had proved this particular on the balance of probabilities.

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

Having found a number of the particulars and sub-particulars of the allegation 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 Dr Jones in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Dr Jones is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others;
  - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.

- 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 Dr Jones fell significantly short of the standards expected of the profession.

Further, whilst the panel was not asked to make a finding on it, the panel considered that it was clear from the unsolicited testimony from witnesses before the panel that Dr Jones had fostered intolerance in the pupils who were involved in the Cor Christi group and was therefore also in breach of the following standard:

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs.

However, the panel did not take this into account when considering either misconduct or prohibition; since there was no allegation of this before it and makes this comment as an observation only.

In his actions, Dr Jones displayed a flagrant disregard for the policies of the College. The panel further found Dr Jones' behaviour to be indicative of self-propagated exceptionalism. The panel finds that such behaviour is not one which can be tolerated in the profession.

Whilst the teaching profession is and remains a broad church where differing pedagogies can coexist, this is in part, achieved through a universal acknowledgement that, regardless of the methodology adopted by the teacher, the appropriate boundaries in teacher-pupil relationships are respected at all times.

In his actions in respect of the behaviours in the particulars and sub-particulars which the panel has made findings, the panel was deeply concerned by the control exercised over the lives of Pupils A, B and C. Whilst teachers inevitably play an important role in the lives of those they teach, the role of teacher is never to be one of a 'third parent'. The panel found that Dr Jones failed to maintain the boundaries in teacher-pupil relationships which are there to protect both the pupil and teacher.

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

Accordingly, having found a number of the particulars and sub-particulars of the allegation proven, the panel is satisfied that Dr Jones is guilty of 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 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 protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Dr Jones, which involved fostering inappropriate relationships with pupils, flagrant disregard for the policies and procedures of the College at which he taught and a systemic failure to maintain proper professional boundaries – there is a strong public interest consideration in upholding the protection of pupils given the serious nature of the panel's findings regarding Dr Jones' inappropriate relationships with pupils.

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

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 Dr Jones. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

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 teacher has a previously good record. However, there was no evidence that the teacher's actions were not deliberate. There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be systematic, calculated and damaging to pupils and their families.

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 concludes that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Dr Jones.

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 militate against a review period being recommended. One of these behaviours includes where the act [of a teacher]...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 viewed Dr Jones' conduct towards Pupils A, B and C as falling into this category.

Dr Jones has shown no insight for his actions in the years since dismissal. The panel notes that Dr Jones was a senior teacher with significant experience and should have been an exemplary role model to other members of staff. The panel considered Dr Jones' actions to amount to a complete failure of professional integrity.

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Dr Stephen Jones should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Dr Jones is in breach of the following standards:



- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
  - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others;
  - ensuring that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law.
- 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 has also said that it is satisfied that the conduct of Dr Jones fell significantly short of the standards expected of the profession.

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

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 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 Dr Jones, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “Dr Jones failed to maintain the boundaries in teacher-pupil relationships which are there to protect both the pupil and teacher.” A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “Dr Jones has shown no insight for his actions in the years since dismissal.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk 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 observe, “it 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.”

I am particularly mindful of the finding of dishonesty 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 the public might regard a failure to impose a prohibition order 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 Dr Jones himself. I note that the panel found, “The teacher has a previously good record.”

A prohibition order would prevent Dr Jones from teaching. 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 also said Dr Jones’ actions amount to, “a complete failure of professional integrity. “

I have given less weight in my consideration of sanction therefore, to the contribution that Dr Jones 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a 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. One of these

behaviours includes where the act [of a teacher]...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 viewed Dr Jones' conduct towards Pupils A, B and C as falling into this category."

I have considered whether allowing for a no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, three factors mean that allowing for a no review period is necessary to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the harm done to pupils and the lack of insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Dr Stephen Jones 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 Dr Stephen Jones 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.

Dr Stephen Jones 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: Alan Meyrick**

**Date: 2 April 2019**

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