



Teaching
Regulation
Agency

Timothy Richard Massey Moore: Professional conduct panel outcome

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

July 2019

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

Teacher: Timothy Richard Massey Moore

Teacher ref number: 7562763

Teacher date of birth: 19 April 1956

TRA reference: 17632

Date of determination: 17 July 2019

Former employer: Clacton Coastal Academy, Clacton-on-Sea

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 16 July 2019 at the Holiday Inn Coventry, Hinckley Road, Coventry, CV2 2HP to consider the case of Timothy Richard Massey Moore (“Mr Moore”).

The panel members were John Armstrong (lay panellist - in the chair), Alison Walsh (teacher panellist), and Michael Lewis (former teacher panellist).

The legal adviser to the panel was Kara O’Neill of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the Agency was Helen Smith of DAC Beachcroft LLP solicitors.

Mr Moore 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 20 May 2019.

The particulars of the allegations as set out in the Notice of Proceedings, refer to the teacher in the third person.

It was alleged that Mr Moore was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst a teacher at Clacton Coastal Academy (the "School"):

- 1. During the academic year 2016/2017 made comments to the following effect**
 - (a) "Don't stop, glad we are comfortable together" to Pupil A as she was adjusting her bra.**
 - (b) "I would spank you but it would be a bit inappropriate" to Pupil A and/or Pupil B**
 - (c) "I would love to be in a detention with you three alone" to Pupil B**
 - (d) "You would love to be in a detention with me" to Pupil A**
 - (e) That you could or would "pull" Pupil D in the presence of Pupil A and/or Pupil B**
- 2. You made physical contact**
 - (a) during the academic year 2016/2017 with Pupil A**
 - i) by putting your arm around her shoulders**
 - ii) by patting her in the area of her lower back**
 - (b) On or around 18 April 2018 with Pupil C by tickling her**
- 3. By your conduct set out in all or any of the allegations contained in paragraphs 1 and 2 above, you failed to observe a proper boundary appropriate to a teacher's professional position**
- 4. your actions, as set out in all or any of these allegations above were sexually motivated**

In the absence of and non-response from the teacher, refer to the allegations being taken to have not been admitted.

C. Preliminary applications

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

The panel was satisfied that the Agency complied with the service requirements of paragraph 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 decided 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 had to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making the decision, the panel noted that the teacher waived his right to participate in the hearing. The panel took account of the various factors drawn to their attention from the case of *R v Jones* [2003] 1 AC1. The panel was satisfied that the Agency had discharged its statutory obligations regarding service of the notice of proceedings and that, on the balance of probabilities, Mr Moore was aware of the proceedings. The panel noted that the Agency had made 10 individual attempts (via email and post) to contact Mr Moore and he had refused to accept service at every attempt, the last time being on 10 July 2019 when he had written on the unopened envelope "do not contact me again". The panel therefore considered that the teacher voluntarily waived his right to be present at the hearing.

The panel 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 was no indication that an adjournment might result in Mr Moore attending the hearing.

The panel considered 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 was 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 the teacher's account.

The panel had regard to the seriousness of this case. The panel was aware of the potential consequences for the teacher and acknowledged that fairness to the teacher was of prime importance. The panel took account of the inconvenience an adjournment

would cause to the witnesses that were in attendance. In addition, the panel believed these are serious allegations and it was in the public interest to proceed with the hearing.

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 – pages 4 to 11

Section 3: Agency documents – pages 12 to 222

Section 4: Agency documents contained in the Proof of Service Index of Papers - pages 1-49

Section 5: Teacher witness statements - none submitted

Section 6: Teacher documents - none submitted

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 [REDACTED] of the School (at the relevant time) and the [REDACTED] of the School (at the relevant time), both called by the presenting officer.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

Mr Moore was employed as a humanities teacher at the School in April 2013. In March 2017, Mr Moore faced an investigation into allegations he had made inappropriate comments and had had inappropriate physical contact with pupils. In April 2017, the investigation resulted in a first and final written warning. In addition, Mr Moore accepted several restrictions regarding his conduct and work, and further safeguarding training. This outcome was agreed in writing with the School in the light of his acceptance of the allegations (the "Agreement").

Mr Moore continued to teach until April 2018, when a further investigation commenced into a new allegation of inappropriate physical contact with a pupil. This investigation led to Mr Moore being summarily dismissed from the School on 3 July 2018.

Findings of fact

Our findings of fact are as follows:

The panel found the following particulars of the allegations against you proven, for these reasons:

- 1. During the academic year 2016/2017 made comments to the following effect**
 - a. “Don’t stop, glad we are comfortable together” to Pupil A as she was adjusting her bra.**

Having had regard to allegation 1 (a-e), the panel noted the wording of the allegation encompassed the phrase ‘comments to the following effect’. The panel cannot know for certain the precise words that were used but, from the written evidence before it, is confident that the tone and gist of the remarks attributed to Mr Moore was clear.

The panel paid particular scrutiny to the evidence that was before it, placing appropriate weight on hearsay evidence as it was unable to test directly the pupils’ evidence. The panel considered oral evidence from the [REDACTED] that the pupils had been reluctant to alert the School to their concerns about Mr Moore’s conduct towards them in the first instance. The panel placed appropriate weight on this evidence.

The panel firstly turned its mind to allegation 1a. The panel had regard to the witness statement of Pupil A in which she stated, ‘once I was sorting out my bra because it was hurting and I noticed Mr Moore staring. When I stopped he was like “oh no, don’t stop it don’t want you to feel uncomfortable”’. The panel noted that Pupil A’s account of events remained consistent over time and was repeated in a further statement she made to the police. During the School’s first investigation, Mr Moore, when questioned in regard to this comment, admitted, ‘I may have said something along those lines’.

On the balance of probabilities, the panel found allegation 1a proven.

- b. “I would spank you but it would be a bit inappropriate” to Pupil A and/or Pupil B**

The panel considered the evidence given by Pupil A in which she stated, ‘then he started making really odd sexual innuendos (sic) like “I would spank you but it’d be a bit inappropriate”’. This account of events was consistent with the evidence of a witness statement given by Pupil B that, ‘he would make little sexual jokes towards me and Pupil A and D’. She further added, ‘he also said that because we got lost to find (sic) the chrome books that he’d spank us all, but that’d be inappropriate’. The panel noted that Mr

Moore initially denied this allegation stating, 'I would not say this' and further confirmed that he would not have used the word, 'spank'. The panel turned its mind to the Agreement between Mr Moore and the School, in which Mr Moore had accepted making 'inappropriate comments, including some of a sexual nature towards students'.

On balance, the panel preferred the evidence of Pupils A and B that inappropriate remarks to that effect had been made and found allegation 1b proven.

c. "I would love to be in a detention with you three alone" to Pupil B

The panel noted some commonality with allegation d below.

There was conflicting evidence in relation to this allegation. Mr Moore said during the first investigation, when asked whether he had conversations with girls about detentions, responded, 'definitely no'. When questioned on whether he could have said the comment in banter, he answered, 'No. Creepy'.

The panel preferred Pupil B's evidence which stated, 'He once said that he'd love to be in a detention with us three alone', as this was consistent with the later account that Pupil B reported to the Police. The panel was additionally mindful of the Agreement between Mr Moore and the School in which he admitted to making inappropriate sexual comments.

On the balance of probabilities, the panel found allegation 1c proven.

d. "You would love to be in a detention with me" to Pupil A

The panel noted some commonality with allegation c above.

The panel considered the evidence of Pupil A in which she stated that Mr Moore said to her, 'oh you'd love to be in detention with me'. Mr Moore's evidence conflicted with the evidence of Pupil B. When Mr Moore was asked if he had said 'love to be in detention with you alone', he responded with, 'definitely no'. Having considered all of the evidence, the panel preferred the evidence of Pupil A.

On the balance of probabilities, the panel found allegation 1d proven.

e. That you could or would "pull" Pupil D in the presence of Pupil A and/or Pupil B

The panel considered the evidence of Pupils A, B and D, which all corroborated that Mr Moore had used the term 'pull'. Pupil B expressly stated, 'he also mentioned... that he'd pull Pupil D implying that he'd get with her'. In her interview with the police, Pupil D said that whilst she could not explicitly recall what happened, she indicated that Mr Moore said 'something about him pulling her'. Mr Moore denied this allegation when it was put to him in the first investigation, stating, 'no it's not something I would say'. The panel preferred the consistent evidence of the pupils.

On the balance of probabilities, the panel found allegation 1e proven.

2. You made physical contact

a) during the academic year 2016/2017 with Pupil A

i) by putting your arm around her shoulders

The panel considered Pupil A's account in which she said that Mr Moore, 'came up to me in the street, hugged me and said "so you aren't late for everything"'.

Additionally, the panel took into account evidence from Pupil B which stated, 'he would ask us to write on the white board and as we would finish he would say well done and tapped everyone on the shoulders'.

This indicated to the panel Mr Moore's propensity to make physical contact with pupils.

Mr Moore accepted that he is a 'tactile person' in his evidence. In oral evidence, the [REDACTED] described Mr Moore as being tactile. In his account to the School, Mr Moore said he had been advised by his wife about not tapping pupils on the shoulder, 'I am a tactile person so may tap them on the shoulder. My wife tells me not to do this'.

On the balance of probabilities, the panel found allegation 2 a) i) proven.

ii) by patting her in the area of her lower back

The panel noted commonality with allegation 2 a) i).

The panel reviewed Pupil B's evidence in which she described that Mr Moore, when touching Pupil A, tapped her on the, 'bottom of her back and what looked like the top of her bum'. Pupil A described this incident, 'when I went up and took the pen he patted right at the bottom of my back'.

When questioned during the first investigation about whether he patted a pupil's back, Mr Moore responded to say, 'Do not recall'. Later in the meeting, he added he had 'no recollection of these at all. Girls are nice girls. If I did this I have no recollection of it'.

On the balance of probabilities, the panel found allegation 2 a) ii) proven.

b) On or around 18 April 2018 with Pupil C by tickling her

The panel considered Pupil C's witness statement in which she gave an account of events where she recalled Mr Moore asking her if she was ticklish, to which she replied no and 'then he tickled her. The contact was enough to actually tickle her on her ribs, this made Pupil C laugh and she moved as she didn't want to be tickled anymore.' Further, Pupil E said that he saw Mr Moore tickle Pupil C.

In Mr Moore's personal statement he admitted this allegation stating, 'at the investigation meeting I stated that I could not remember the allegation of "tickling". However on reflection I have a vague recollection of tickling one student in my haste to clear the doorway to start the lesson'.

On the balance of probabilities, the panel found allegation 2 b) proven.

3. By your conduct set out in all or any of the allegations contained in paragraphs 1 and 2 above, you failed to observe a proper boundary appropriate to a teacher's professional position

The panel was mindful that the conduct set out in allegations 1 and 2 was in relation to female pupils. The panel found it a failure of proper appropriate boundaries to make personal comments or to make unnecessary physical conduct with pupils in the circumstances. The panel considered that some of the comments made by Mr Moore were made in front of a year 10 class, and noted that some of the pupils felt increasingly 'uncomfortable' over a period of time. Pupil A in her witness statement commented, 'I don't want to get him into trouble if he was just genuinely being nice but I do feel really uncomfortable in his class'. This satisfied the panel that Mr Moore had failed to observe proper boundaries, in both his words and his actions, in the education setting.

The panel reviewed and placed considerable weight on the witness statements of those pupils who had raised concerns initially with their parents, and then with the School about the appropriateness of Mr Moore's behaviour. The panel noted the general consistency of their evidence in their follow up statements to the police.

The panel also noted the number of instances of alleged comments over a period of a year and considered that Mr Moore's behaviour demonstrated a concerning pattern of behaviour which it deemed to be inappropriate.

The panel noted the inappropriateness of referring to a pupil's underwear, which it saw as indicative of a lack of respect for that pupil's dignity.

The panel considered evidence from the [REDACTED] whom it found to be a very credible witness. She reported, 'The girls described feeling uncomfortable as a result of Mr Moore's behaviour. The girls certainly felt strongly enough about Mr Moore's behaviour that when I bumped into them they started saying that they didn't want to be in geography'. This confirmed to the panel the adverse impact that Mr Moore's transgression of appropriate boundaries had had on some of his pupils.

The panel lastly examined the responses from Mr Moore in regard to his actions. He described himself as a 'tactile person'. He said he could not recall some of the incidents. The panel found his answers in both investigations to be unconvincing and inadequate.

The panel found allegation 3 proven.

The panel found the following allegation against you not proven for the following reasons:

4. your actions, as set out in all or any of these allegations above were sexually motivated.

At the outset, the panel recognised its duty to exercise due care and diligence in considering this specific allegation due to its seriousness in nature.

Having considered all of the evidence before it, the panel noted and accepted that some of the comments made by Mr Moore evidently had a sexual element. The panel also noted that Mr Moore had made physical contact with some students which had made them feel uncomfortable. The panel also had regard to Pupil D's evidence about being tickled where she stated that she took, 'the whole incident as a joke' and that it, 'did not make her feel uncomfortable' and indeed did not report the incident herself.

The panel heard oral evidence from the [REDACTED] that Mr Moore was tactile in his nature and that he was a 'flamboyant' and an 'eccentric character'. She further described him as 'old school', a 'gentleman' and 'chivalrous'. Being informed by this evidence, the panel was of the opinion that whilst inappropriate and risqué comments had been made, which crossed acceptable boundaries, these may have been attributable to Mr Moore's persona rather than being overt evidence of sexual motivation on his part.

Having considered the evidence in its totality, the panel was not satisfied that Mr Moore's conduct and actions met the threshold to be properly described as being 'sexually motivated'. The panel found there to be no suggestion of sexually motivated forethought or intent in Mr Moore's inappropriate actions or words. In coming to this conclusion, the panel had regard to (but was not bound by), the earlier decisions made by the police and subsequently the Disclosure and Barring Service, not to pursue these incidents further.

The panel concluded that whilst it was in no doubt there was a sexual element to some of Mr Moore's conduct, and this was inappropriate and unacceptable, on the balance of probabilities, the panel found his conduct did not meet the threshold for sexual motivation.

The panel found allegation 4 unproven.

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

Having found a number of the allegations proven, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel referred to as "the Advice".

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of the teacher fell significantly short of the standards expected of the profession.

The panel was of the view that the conduct of Mr Moore in relation to the facts found proven at allegations 1, 2 and 3 involved breaches of the Teachers' Standards. Making inappropriate comments and engaging in unsolicited and unwelcome physical contact with pupils, which in some instances made them feel uncomfortable, demonstrated a disregard of the wellbeing of pupils and safeguarding principles.

Mr Moore failed to observe proper, appropriate boundaries with pupils. He had been provided with and accepted additional safeguarding training following a final written warning about the required standard of conduct and observance of boundaries in relation to pupils. Despite all this, Mr Moore again transgressed. He found himself unable to meet the standards expected of him as a teacher notwithstanding his assertion that he had been 'trying so hard'.

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

The panel took 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 took into account 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 that they behave.

The panel found that making inappropriate comments in regard to a pupil's underwear, innuendoes, and unnecessary physical contact with pupils, including tickling a pupil in

front of her classmates, would have a negative impact on Mr Moore's status as a teacher. This behaviour could damage the public's perception of him and therefore bring the profession into disrepute.

Having found the facts of the particulars at 1, 2 and 3 proven, the panel further found that Mr Moore's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was 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 had to consider whether it was an appropriate and proportionate measure, and whether it was 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 considered the particular public interest dimensions set out in the Advice and, having done so, had found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Moore, which involved making comments to pupils of an inappropriate nature and making physical contact with pupils, there is a strong public interest consideration in declaring proper professional standards of conduct in the profession as well as the protection of pupils. The panel found the conduct of Mr Moore to be outside that which could reasonably be tolerated.

The panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this might have on Mr Moore.

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 Moore. 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 were 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;
- sexual misconduct, eg involving actions that were of a sexual nature;

The panel found that there were behaviours that would point to a prohibition order being appropriate. The panel then went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure. It took into account the nature and severity of the behaviour in this case. The panel first considered whether it would be proportionate to conclude the case without recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel noted that the [REDACTED] described Mr Moore as a teacher with 30 years' experience whose classroom teaching had raised no concerns during regular performance management observations where he was judged a good teacher.

The panel did not find evidence of sexual motivation on the part of Mr Moore and he described himself as 'mortified' by some of the allegations. The panel accepted the teacher's evidence that his conduct was not deliberately done to harm pupils. The panel was in no doubt that Mr Moore's conduct demonstrated an unawareness of, or disregard for, professional boundaries. An aggravating factor for the panel was that Mr Moore was a teacher of many years' experience as noted.

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

The panel noted Mr Moore's complete lack of engagement with the regulatory process. The teacher chose to submit no documents whatsoever and chose not to attend the hearing. This denied the panel any ability to properly explore any insight into his misconduct or remorse. The panel, therefore, could not be satisfied that there would not be a continuing risk to pupils or to the reputation of the profession.

The panel carefully considered whether under these circumstances, prohibition was proportionate and appropriate. The panel concluded, on balance, that the public interest considerations outweighed the interests of Mr Moore.

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 should recommend a review period of the order. The panel was mindful that a prohibition order applies for life. There may be circumstances that make it appropriate to allow a teacher to apply to have the prohibition order reviewed after no less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against a review period being recommended. The panel determined that none of these findings were relevant and therefore it would be appropriate in the circumstances to have a review period.

The panel noted that whilst this was serious misconduct, no pupils appeared to have been harmed although made to feel uncomfortable. The panel could not discount that there may have been an element of naivety on Mr Moore's part, combined with his evident lack of self-awareness. The panel considered that given time for reflection, Mr Moore may develop sufficient insight into his lack of judgement, the inappropriateness of his behaviour and may be able to offer assurances about future conduct. These would be matters for a future panel to assess.

The panel felt the findings indicated a situation in which it would be appropriate and proportionate in all the circumstances for a prohibition order to be recommended with provisions for a review period after 2 years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of 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 found one 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 Mr Moore should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Moore is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also satisfied that “the conduct of the teacher fell significantly short of the standards expected of the profession”.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether 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 Moore, 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 that Mr Moore’s behaviour, “demonstrated a disregard of the wellbeing of pupils and safeguarding principles.” 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, “The panel noted Mr Moore’s complete lack of engagement with the regulatory process. The teacher chose to submit no documents whatsoever and chose not to attend the hearing. This denied the panel any ability to properly explore any insight into his misconduct or remorse.” In my judgement, the lack of evidence 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 that it, “found that making inappropriate comments in regard to a pupil’s underwear, innuendoes, and unnecessary physical contact with pupils, including tickling a pupil in front of her classmates, would have a negative impact on Mr Moore’s status as a teacher. This behaviour could damage the public’s perception of him and therefore bring the profession into disrepute.”

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 Mr Moore himself. The panel comment that Mr Moore is described as, “a teacher with 30 years’ experience whose classroom teaching had raised no concerns during regular performance management observations where he was judged a good teacher.”

A prohibition order would prevent Mr Moore 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 panel’s comments concerning the lack of insight or remorse. The panel has said, “ Mr Moore’s conduct demonstrated an unawareness of, or disregard for, professional boundaries. An aggravating factor for the panel was that Mr Moore was a teacher of many years’ experience as noted.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Moore 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, in light of the circumstances in this case, 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 a 2 year review period.

I have considered the panel’s comments and consider that a 2 year review is in the public interest. It reflects the seriousness of the findings and is proportionate.

This means that Mr Timothy Moore 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 26 July 2021, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Timothy Moore remains prohibited from teaching indefinitely.

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

Mr Timothy Moore 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.

Alan Meyrick

Decision maker: Alan Meyrick

Date: 19 July 2019

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