



National College for
Teaching & Leadership

Mr Ryan Leverton: Professional conduct panel outcome

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

January 2018

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

Teacher: Mr Ryan Leverton
Teacher ref number: 0649716
Teacher date of birth: 26 October 1982
NCTL case reference: 14154
Date of determination: 23 January 2018
Former employer: Bishops Fox's School ('The School'), Taunton

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 22 and 23 January 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Ryan Leverton.

The panel members were Mr Alex Osiatynski (teacher panellist – in the chair), Ms Alison Feist (former teacher panellist) and Mr John Matharu (lay panellist).

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

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobson LLP solicitors.

Mr Ryan Leverton 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 23 October 2017.

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

Whilst employed as a teacher between 2009 and 2013 at Bishops Fox's School in Taunton he:

- 1) Formed an inappropriate relationship with Pupil A in 2010 and in particular:
 - a) sent text messages and/or Facebook messages;
 - b) met one-to-one with Pupil A in an office at the school and:
 - i. pulled her towards him;
 - ii. kissed her;
 - c) had sexual intercourse with Pupil A, including:
 - i. at his home in July 2010;
 - ii. in a hotel on up to 3 occasions;
 - iii. in his car on one or more occasions;
 - iv. at her parents' house on one or more occasions.
- 2) Acted inappropriately towards Physical Education 'PE' students including:
 - a) making one or more inappropriate comments in front of one or more pupils;
 - b) engaging in one or more conversations of a sexual nature with one or more pupils;
 - c) smacking Pupil C on the bottom.
- 3) His conduct as described at (1) and/or (2) above as may be found proven was sexually motivated.

Mr Leverton did not admit the allegations.

C. Preliminary applications

The panel considered an application from Mr Perkins to proceed in the absence of Mr Leverton. After hearing submissions from the presenting officer, and receiving legal advice, the panel announced the decision as follows:

The panel is satisfied that the Notice of Proceedings has been served in accordance with Rule 4.11 (dated 23 October 2017, pages 5 to 8 of the Bundle).

Mr Leverton's legal representative has responded to the Notice of Proceedings in an email dated 18 January 2018 and has confirmed that Mr Leverton does not wish to participate in the hearing and has consented to the hearing proceeding in his absence. Mr Leverton has previously sent a response to the NCTL in which he denies the allegations and his legal representative has re-iterated this position in the email dated 18 January 2018.

The panel is satisfied that Mr Leverton is aware of the proceedings and has voluntarily absented himself from the hearing. The panel has had regard to the public interest in these proceedings taking place reasonably promptly, and notes that the NCTL has called witnesses who are available to give evidence today. The panel is satisfied that there is no useful purpose in not proceeding with the hearing.

In accordance with Rules 4.11 and 4.27 to 4.29 the panel has decided to proceed in the absence of Mr Leverton.

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 5 to 14

Section 3: NCTL witness statements – pages 15 to 17

Section 4: NCTL documents – pages 18 to 91

Section 5: Teacher documents – pages 92 to 95

In addition, the panel agreed to accept the following:

- Email from Mr Leverton's legal representative dated 18 January 2018.

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 following witnesses called by the NCTL:

- Pupil A (former pupil) who gave evidence via video-link;
- Pupil D (former pupil).

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Leverton was a PE teacher at the School between 2009 and 2013. This case relates to allegations that Mr Leverton conducted an inappropriate and sexual relationship with Pupil A whilst he was a teacher at the School; that he made inappropriate comments to pupils and on one occasion made inappropriate physical contact with Pupil C. It is alleged that Mr Leverton's conduct was sexually motivated.

Findings of fact

The findings of fact are as follows:

Allegations Proven

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

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher between 2009 and 2013 at Bishops Fox's School in Taunton you:

1. Formed an inappropriate relationship with Pupil A in 2010 [and in particular]:

The panel heard evidence in relation to this particular from Pupil A. The panel regarded Pupil A as a credible witness. The panel took the view that Pupil A gave her evidence in a measured and balanced way. Pupil A spoke freely about the events which were the subject of allegation 1. In giving her evidence, Pupil A demonstrated no malice or ill-feeling towards Mr Leverton. Rather than expressing negative views of Mr Leverton's character, Pupil A had described how she had perceived Mr Leverton as someone she could talk to and trust.

Furthermore, Pupil A was able, when questioned, to provide a detailed account of how their relationship had developed, and also further details, when questioned, about the layout of Mr Leverton's house when she is said to have visited.

Pupil A was asked about her knowledge of the other pupils relevant to these allegations, and the panel accepted her evidence that she had no close relationships with any of the others (indeed she was in a different year group from the other pupils identified) and had not discussed Mr Leverton with any of them. The panel took the view that Pupil A gave compelling evidence and there was no suggestion of any collusion or fabrication.

The panel noted from the evidence of Pupil A that her relationship with Mr Leverton developed into a relationship of a sexual nature, and that this started whilst she was a pupil at the School where Mr Leverton taught and was obviously inappropriate.

Mr Leverton's case in response was a denial of the allegation. The panel were careful to explore the evidence in depth with Pupil A but remained satisfied as to the veracity of her evidence.

Whilst this finding will be elaborated as per the particulars set out below, the panel was thus satisfied on the balance of probabilities that Mr Leverton had conducted an inappropriate relationship with Pupil A, and thus the stem of this allegation is proven.

a. sent text messages and/or Facebook messages to Pupil A;

Pupil A stated that she had provided Mr Leverton with her mobile telephone number (by inputting her number into his mobile telephone at his request) at the school prom in July 2010 and was also by this time Facebook friends with Mr Leverton. Pupil A explained that they did not communicate via Facebook with one another once they had each others' telephone numbers.

Pupil A explained that the text messages, of which there would sometime be 5 or 10 a day, were of a flirtatious nature, and that Mr Leverton would say that he missed her, or tell her that she was beautiful. Pupil A was clear that the messages were not overtly sexual in nature.

The panel did not have the benefit of seeing any text messages. However the panel accepted the evidence of Pupil A and was satisfied on the balance of probabilities that the text messages were sent by Mr Leverton with the intention of developing the sexual relationship he had with Pupil A, and were elements of the inappropriate relationship. For example, Mr Leverton complimented Pupil A on her appearance, expressed emotion about their relationship and, furthermore, the messages were with the purpose of arranging meetings. The panel is satisfied on the balance of probabilities that this allegation is found proven.

b. met one-to-one with Pupil A in an office at the school and:

i. pulled her towards you;

Pupil A gave clear and compelling evidence about this allegation. Pupil A gave a detailed account as to how she came to be invited into the office in question by Mr Leverton, namely following an exchange of text messages whilst Mr Leverton was away on a stag weekend (following the school prom in July 2010). Mr Leverton in his written response states that this meeting could not have taken place and was indeed inherently unlikely to have occurred at the time alleged, around 5pm, given the volume of people in the School and the sports fixtures taking place. Set against this, Pupil A stated that at this time there were not in fact many people present in the School other than cleaning staff, nor were there any sports fixtures taking place.

The panel prefers the evidence of Pupil A to Mr Leverton in finding that at the time the meeting in the office took place there were not many people present in school. However, this is not determinative of the allegation. The panel finds that the meeting did take place, on a 'one to one' basis, in the PE office. This office is not in the main school building, but is set apart from it.

Pupil A gave a very clear account of how she sat in a wheeled chair in the office and had indeed attended the office anticipating the potential for some physical contact from Mr Leverton. Pupil A went on to give a clear and compelling account of how Mr Leverton pulled the chair on which she was sat towards him and then immediately kissed her.

The panel is of the view that the pulling of Pupil A towards him (allegation 1. b., i.) was an integral prelude to the act of kissing her, but was in itself an inappropriate action. This action was inappropriate because it was initiated by Mr Leverton, and reduced the appropriate personal space between pupil and teacher. This formed part of the inappropriate relationship Mr Leverton had initiated with Pupil A.

The panel is thus satisfied on the balance of probabilities that this allegation is proven.

ii. kissed her;

For the reasons set out above, the panel is thus satisfied on the balance of probabilities that this allegation is found proven: that Mr Leverton kissed Pupil A and that this formed part of his inappropriate relationship with her.

c) had sexual intercourse with Pupil A, including:

i. at your home in July 2010;

Pupil A gave a clear and detailed account of how Mr Leverton had informed her in advance that she could visit his house on a weekend unknown in July 2010 as he believed the house would be empty.

Mr Leverton in his written response denies that this took place and states that this visit would not have been possible as described because his house would have been occupied by lodgers at the time.

Pupil A stated that he picked her up in Taunton and took her to his house, leaving her in the car first to check that his house was empty, and upon noting that the house was indeed unoccupied, brought her in. As mentioned above, Pupil A gave a detailed account of the layout and design of the house, and their activities during the evening, which included watching a film. Mr Leverton presented no explanation for this account, and the panel preferred the evidence of Pupil A.

Pupil A also stated that during the evening they had sexual intercourse. The panel is thus satisfied on the balance of probabilities that this allegation is proven.

ii. in a hotel on up to 3 occasions;

Pupil A gave a clear and detailed account of how Mr Leverton took her to at least two hotels in the Taunton area, and described how on each occasion she would enter the hotel only after Mr Leverton had checked in and informed her which room he had booked. Whilst the panel was satisfied with this evidence, there was also a written statement in the bundle from an employee of one of the hotels who confirmed that Mr Leverton had indeed stayed at the hotel on one occasion and booked without an advance reservation on 24 August 2010.

Pupil A stated that on each occasion they stayed overnight at the hotels they had sexual intercourse. The panel is thus satisfied on the balance of probabilities that this allegation is found proven.

iii. in your car on one or more occasions;

Pupil A gave a clear account of how Mr Leverton had arranged to meet her. Pupil A described how they had met in a layby in neighbouring county, and had sexual intercourse in Mr Leverton's car. Pupil A was able to provide details about Mr Leverton's car, its make, colour and registration. Whilst Mr Leverton denies this allegation, the panel prefers the evidence of Pupil A. The panel is thus satisfied on the balance of probabilities that this allegation is found proven on the basis of this incident.

iv. at her parents' house on one or more occasions.

Pupil A gave a clear account of how Mr Leverton had arranged to attend her parents' home. Pupil A gave a mature and credible account of the sexual intercourse they had had at her parents' house. Whilst Mr Leverton denies this allegation, the panel prefers the evidence of Pupil A. The panel is thus satisfied on the balance of probabilities that this allegation is found proven on the basis of at least one occasion.

2. Acted inappropriately towards PE students including:

a. making one or more inappropriate comments in front of one or more pupils;

The panel heard evidence from Pupil D. The panel regarded Pupil D as a credible witness. Pupil D stated in evidence that Mr Leverton was well liked by pupils and that she had no experience of confrontations with him. The panel took the view that there was no suggestion that Pupil D harboured any feelings of ill-will towards Mr Leverton, or that she was fabricating or exaggerating the matters which she complained of.

Pupil D gave evidence of three separate incidents involving remarks alleged to be inappropriate.

Incident one

The first related to a PE lesson in the gym area when she was with Pupil C, with whom she was friends. Pupil D stated that neither she nor Pupil C enjoyed PE and, as such, were not participating in the lesson, instead lying in the corner of the fitness gym on mats having a social conversation.

Pupil D gave clear evidence that Mr Leverton approached the two of them and asked them why they were lying there, before going on to ask both girls whether they were waiting for him to 'lie on top of them'. The girls were surprised by this, and Pupil D stated that Mr Leverton repeated his rhetorical question before winking and looking at them in a way which Pupil D regarded as sexual in nature.

Pupil C gave a written statement of these events which is at slight variance to the account given by Pupil D in that she states that Mr Leverton asked them whether they were waiting for someone to come and lie on top of them (as opposed to 'him').

The panel did not have the benefit of oral evidence from Pupil C to explore this discrepancy. However, the evidence of Pupil D on this was compelling. When questioned on this point by the panel, Pupil D was adamant in her recollection of his precise language, and the panel is therefore satisfied with her account and prefers her evidence to that of Pupil C.

The panel finds on the balance of probabilities that Mr Leverton asked Pupils C and D whether they were waiting for him to come and lie on top of them, and that this was inappropriate.

Incident two

The second incident alleged to have occurred related to an occasion when Mr Leverton was taking PE pupils on a bowling trip as part of their PE programme. Pupil D stated that she was sat in the minibus behind Pupil F and Mr Leverton, and that Mr Leverton told Pupil F that she had nice legs. Pupil D stated in evidence that she could not see the reaction of Pupil F and did not hear her say anything in response. However, it was clear

from her evidence that the remark made Pupil D feel uncomfortable. The panel is satisfied on the balance of probabilities that this incident occurred as described by Pupil D and that it was inappropriate.

Incident three

The third incident is alleged to have occurred some three weeks after Pupil D had started at college and when she returned to the school. Pupil D gave evidence that Mr Leverton greeted her and told her that she 'looked really good'. Pupil D stated that when she expressed surprise at this comment, Mr Leverton clarified that he did not mean this in a weird way but had meant that her 'body looked like it was in good shape'.

Pupil D stated that these remarks made her feel uncomfortable and she thought that the comments were "weird" and she perceived them as sexual. Pupil D stated that she regarded both the remarks and the subsequent qualification by Mr Leverton as strange things to say. The panel found the evidence of Pupil D to be detailed and cogent and is satisfied that this incident occurred on the balance of probabilities, and that it was inappropriate.

The panel is satisfied on the balance of probabilities that each of the three incidents outlined above occurred, and that Mr Leverton's behaviour amounted to inappropriate conduct. The panel finds allegation 2. a. proven on this basis, namely the three incidents as outlined above.

3. Your conduct as described at 1. and/or 2. above as may be found proven was sexually motivated.

The panel has gone on to consider whether those particulars and elements of allegations 1. and 2. found proven amount to sexually motivated conduct. The panel has received legal advice in relation to how to approach the issue as to whether conduct can be described as sexually motivated and has accepted that advice.

The panel has assessed in detail the circumstances in which the conduct took place to consider whether, on the balance of probabilities, a sexual motivation can be inferred. The panel has considered the objective nature and meaning of any comments made, how any comments or actions were perceived by those involved and whether there was any evidence from which one could reasonably infer that Mr Leverton's actions were motivated by an intention to obtain sexual gratification.

In relation to allegation 1., the panel is satisfied on the balance of probabilities that the conduct described at each particular can be regarded as sexually motivated. The text messages sent (allegation 1.a.) were not sexual in nature but they were clearly motivated by a desire to develop a sexual relationship and were thus sexually motivated. The pre-arranged meeting and kiss (allegation 1.a.) and the subsequent acts of sexual intercourse (allegations 1. c. and d.) were all clearly sexual in nature and the actions of Mr Leverton in each respect can be described as sexually motivated.

In relation to allegation 2. a., the panel has considered each of the three incidents in turn. In relation to incident one, the comments made by Mr Leverton clearly presented an image to the pupils of him in an intimate physical position with the pupils. Pupil D also regarded the comments of Mr Leverton as sexual in nature. The panel is satisfied on the balance of probabilities that the conduct described as incident one can be regarded as sexually motivated.

In relation to incident two, the panel notes that the comments made to Pupil F objectified her and referred to parts of her body in a manner which could be interpreted as sexual. Given the context of a school trip where Pupil F was sat on a bus, there was no objective justification for the comments and they were clearly inappropriate. However, there is no evidence of how Pupil F reacted to these comments, and indeed Pupil F did not give evidence in these proceedings. Whilst the panel regards the comments as inappropriate it is not satisfied on the balance of probabilities that the conduct described as incident two can be regarded as sexually motivated.

In relation to incident three, the comments made to Pupil D objectified her and made reference to her in a manner which could be described as sexualised. Given the context of Pupil D returning to the School for a visit, there was no justification for Mr Leverton choosing to make such comments. The panel notes that Pupil D regarded the comments as sexualised in nature and accepts her evidence. However, the panel also notes that the comments represented an isolated exchange, and there was no conduct by Mr Leverton prior to, or following, this exchange from which one could infer a sexual motivation. However, whilst the panel regards the comments as inappropriate, it is not satisfied on the balance of probabilities that the conduct described as incident three can be regarded as sexually motivated.

Allegations Not Proven

The panel has found the following particulars of the allegations against you not proven, for these reasons:

2. Acted inappropriately towards PE students including:

b. engaging in one or more conversations of a sexual nature with one or more pupils;

Whilst the panel has found that Mr Leverton has made inappropriate comments to pupils on three occasions (allegation 2.a.), the panel was presented with no specific evidence of any conversations of a sexual nature between Mr Leverton and PE students or pupils generally. The panel therefore finds this allegation not proven.

c. smacking Pupil C on the bottom.

The panel heard no oral evidence from Pupil C, but instead received a written statement. The panel received evidence that Pupil C had disciplinary issues, and indeed Mr

Leverton referred to this issue in his response. The panel noted that in the absence of oral evidence from Pupil C it was unable to test the written account she had provided. The panel was therefore not satisfied that this allegation was proven.

3. Your conduct as described at 1. and/or 2. above as may be found proven was sexually motivated.

For the reasons set out above, the panel does not find allegations 2. b. or 2. c. proven and thus allegation 3. does not fall to be considered with reference to those allegations.

For the reasons set out above, the panel does not regard incidents two and three of allegation 2. a. as sexually motivated and finds allegation 3. not proven to that extent.

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

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

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as “the Advice”.

Subject to the qualification below in respect of aspects of allegation 2., the panel is satisfied that the conduct of Mr Leverton, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Leverton 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Leverton amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

The panel has considered allegation 1. the panel has found that Mr Leverton commenced a sexual relationship with Pupil A whilst she was still a pupil of his. The panel notes that at the point when the relationship started, whilst Pupil A was on study leave, the panel would still regard her, for the purposes of these professional conduct proceedings, as a pupil at the School where Mr Leverton taught (allegations 1. a., 1.b. 1. c. i. and ii.)

Initiating and engaging in a sexual relationship with a pupil within an education setting is a fundamental departure from appropriate standards (allegations 1. a., 1.b.) The panel is satisfied that the conduct at allegations 1. a., 1.b., and 1. c., and ii., amounts to unacceptable professional conduct.

The panel notes that allegations 1. c.,iii., and iv. took place outside of the education setting. However, this conduct involved a pupil whom Mr Leverton had taught and with whom he had conducted an inappropriate sexual relationship within an education setting to include kissing the pupil on school premises.

The actions at allegations 1. c., iii. and iv., whilst outside of an education setting, were proximate in time to the other events in the particulars of allegations 1., and occurred within weeks of Pupil A leaving the school at which Mr Leverton taught. This conduct clearly affects the way Mr Leverton fulfils his teaching role and could lead to pupils being exposed to or influenced by his behaviour in a harmful way. The panel is satisfied that the conduct at allegation 1. c., ii., iii. and iv. amounts to unacceptable professional conduct.

The panel has also 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 of the profession. The panel therefore finds that Mr Leverton's actions at allegation 1. constitute conduct that may bring the profession into disrepute.

The panel has considered allegation 2. a., incident one and notes that Pupil D regarded this conduct as sexual and weird. The panel is satisfied that this amounts to a fundamental departure from the Standards and constitutes unacceptable professional conduct.

The panel has also 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 in relation to allegation 2. a., (incident one) 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 of the profession. The panel therefore finds that Mr Leverton's actions at allegation 2. a., (incident one) constitute conduct that may bring the profession into disrepute.

The panel has had careful regard to the three incidents found proven at allegations 2.a. The panel is not satisfied that incidents two and three amount to unacceptable professional conduct or conduct that may bring the profession into disrepute. The panel regards the comments to Pupil F and Pupil D regarding their appearances as ill-advised and inappropriate.

However, the panel is of the view that, given the findings outlined above, the conduct does not meet the threshold of severity such as to amount to a significant departure from the standards, or to have such a negative impact upon the public perception of Mr Leverton's status as a teacher. In consequence, the panel is not satisfied that this behaviour (incidents two and three of allegation 2.a.) amounts to unacceptable professional conduct or 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
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Leverton, which involved findings of sexually motivated and inappropriate conduct involving pupils, and a finding that he had engaged

in a sexual relationship with a pupil, there is a strong public interest consideration in respect of the protection of pupils given the serious findings.

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

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Leverton was outside that which could reasonably be tolerated.

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

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 Leverton.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The teacher's actions were deliberate and there was no evidence that Mr Leverton was acting under duress. Indeed, the panel found that Mr Leverton's actions were pre-meditated and sustained over a period of time.

Whilst the panel accepts that Mr Leverton was of previously good character, no evidence was presented as to his being an outstanding teacher who would be a significant loss to the teaching profession.

The panel is of the view that this is not a case where the finding itself would be sufficient sanction. The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Leverton. The severity of the conduct and the extent to which the standards were breached were significant factors in forming that opinion.

In particular, the panel is of the view that, by virtue of allegation 1., Mr Leverton took advantage of Pupil A whom he had counselled as a result of her personal issues, and subsequently abused his position of trust.

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 it to decide to recommend that a review period of the order should be considered. The panel were 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. This includes serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found, for the reasons outlined above, that Mr Leverton has displayed these behaviours by virtue of allegation 1.

There is no evidence that Mr Leverton has demonstrated any insight into his actions, or remorse for the consequences, in particular the impact upon Pupil A.

The panel felt 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 is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that some of those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has not found specific allegations proven, or where the proven allegations have not been found to amount to unacceptable professional conduct or conduct that may bring the profession into disrepute, then I have put these from my mind when considering my decision. The panel has set out very clearly in its decision, especially concerning the three different incidents described at allegation 2a, exactly which allegations are unacceptable professional conduct or amount to conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Leverton should be the subject of a prohibition order, and the panel has gone on to recommend that there should be no provision for a review period.

In particular, the panel has found that Mr Leverton 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Leverton fell significantly short of the standards expected of the profession.

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

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Leverton, and the impact that will have on him, is proportionate.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has made findings and observed of Mr Leverton's behaviour; "which involved findings of sexually motivated and inappropriate conduct involving pupils, and a finding that he had engaged in a sexual relationship with a pupil." A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "There is no evidence that Mr Leverton has demonstrated any insight into his actions, or remorse for the consequences, in particular the impact upon Pupil A."

In my judgement the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this risks the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Leverton was outside that which could reasonably be tolerated."

I am particularly mindful of the finding of sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Leverton himself. I have noted the panel's comments, "the panel accepts that Mr Leverton was of previously good character, no evidence was presented as to his being an outstanding teacher who would be a significant loss to the teaching profession."

A prohibition order would prevent Mr Leverton 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.

I have also placed considerable weight on the finding of the panel that Mr Leverton, "took advantage of Pupil A whom he had counselled as a result of her personal issues, and subsequently abused his position of trust."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Leverton has made and is making to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

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

I have considered the panel's comments "Mr Leverton's actions were pre-meditated and sustained over a period of time."

The panel has also said that a prohibition with no review period is proportionate.

I have considered whether a prohibition order with no review period is proportionate and reflects the seriousness of the findings. In this case, there are factors that in my view mean that allowing for a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the sexual misconduct, the vulnerability of the pupils and the lack of insight or remorse.

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

This means that Mr Ryan Leverton is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Ryan Leverton shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Ryan Leverton 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: 25 January 2018

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