



National College for  
Teaching & Leadership

# **Mr Paul Gibson: Professional conduct panel outcome**

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

**September 2016**

## Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	5
Documents	5
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	10
Decision and reasons on behalf of the Secretary of State	12

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

**Teacher:** Mr Paul Gibson

**Teacher ref number:** 0365603

**Teacher date of birth:** 16 September 1969

**NCTL case reference:** 15186

**Date of determination:** 22 September 2016

**Former employer:** St Hild's Church of England VA Secondary School

### **A. Introduction**

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 22 September 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Paul Gibson.

The panel members were Cllr Gail Goodman (teacher panellist – in the chair), Ms Gill Tomlinson (lay panellist) and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds LLP solicitors.

The presenting officer for the National College was Ms Rachel Cooper of Nabarro LLP solicitors.

Mr Gibson was not present and was not represented.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Meeting dated 14 September 2016.

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

1. He engaged in Skype conversations (using the user name spidermonkeytoy) with girls who he believed to be 16/17 years old
2. During the Skype conversations he:
  - (a) Portrayed himself as a 16/17 year old boy
  - (b) Discussed topics of a sexual nature and/or explicit nature
3. His conduct set out above was sexually motivated

Mr Gibson has admitted the facts of the allegation and that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

There were no preliminary applications.

The panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present.

The first question for the panel was whether the allegations had been admitted so that they could be considered at a meeting. The panel noted that the precise wording of the allegations had not been replicated in the Statement of Agreed Facts to which Mr Gibson had responded. However, the panel considered that the substance of the matters set out in the Statement of Agreed Facts was materially the same. Moreover, the panel noted that when Mr Gibson responded to the Notice of Referral, to state that he admitted the allegations, the allegations at that stage were the same as those currently before the panel. The panel therefore considered that the allegations had been admitted.

The panel then went on to consider the interests of justice. Given that the facts of the allegation have been admitted, that Mr Gibson has requested a meeting and that the panel has the benefit of Mr Gibson's representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

## **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 2

Section 2: Notice of Referral, response and Notice of Meeting – pages 3 to 9b

Section 3: Statement of Agreed Facts and presenting officer representations – pages 10 to 15

Section 4: NCTL documents – pages 16 to 94

Section 5: Teacher documents – pages 95 to 96

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

### **Witnesses**

Convened as a meeting, the panel heard no oral evidence.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

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

Mr Gibson was employed as a teacher at St Hild's Church of England VA Secondary School. Durham police received information that Mr Gibson had had a conversation with an internet vigilante via Skype chat in April 2014. On 17 April 2015, Mr Gibson was

arrested by Durham police and an investigation was commenced. Mr Gibson was suspended from the School on 23 September 2015 and he resigned on 2 March 2016.

## **Findings of fact**

The panel confined its deliberations to the conduct alleged, and did not take into consideration any conduct referred to in the panel bundle which did not form part of the allegations.

Our findings of fact are as follows:

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

### **1. You engaged in Skype conversations (using the user name spidermonkeytoy) with girls who you believed to be 16/17 years old**

In his response on the Notice of Referral Form dated 19 July 2016, Mr Gibson stated that he admitted all of the allegations set out in the Notice of Referral letter dated 4 July 2016, which included this allegation. In a Statement of Agreed Facts signed by Mr Gibson on 5 August 2016, he responded “Yes” that he agreed with the statements that:

“At the time your Skype username was ‘Spidermonkeytoy’”;

“During July 2013 to September 2013 you engaged in Skype conversations with girls who you believed to be 16/17 years old”; and

“During a conversation with Miss A on 1 September 2013 Miss A told you she was 16 years old”.

The panel noted that during a disciplinary investigation on 10 December 2015, Mr Gibson stated that his family used the user name spidermonkey and that he did not recognise some of the Skype conversations as being held with him. However, the panel considered that those statements had been superceded by Mr Gibson’s admissions.

The panel examined the records of the Skype conversations and noted a number of instances where the other party to the conversation appeared to have given their age, including “17 london here”, “17 f uk” and “16”.

The panel therefore finds this allegation proven.

### **2.(a) During the Skype conversations you portrayed yourself as a 16/17 year old boy**

In his response on the Notice of Referral Form dated 19 July 2016, Mr Gibson stated that he admitted all of the allegations set out in the Notice of Referral letter dated 4 July 2016,

which included this allegation. In a Statement of Agreed Facts signed by Mr Gibson on 5 August 2016, he responded “Yes” that he agreed with the statements that:

“During a conversation with Miss B you sent messages indicating you were young, such as ‘I just got dogs to walk b4 mum gets home’”;

“During a conversation with Miss C on 6 August 2013, you sent a message saying ‘16m England’”;

‘16m england’ means 16 year old male from England”;

“On 7 August 2013 you told Miss E (17 years old) you were a 17 year old male from Newcastle”;

“On 7 August 2013 you told Miss F you were a 16 year old male from England”;

“On 1 September 2013 you told Miss G (17 years old) you were a 17 year old male from Newcastle”.

The panel examined the records of Skype messages and noted the reference written using the user name “spidermonkeytoy” for example, to “16m England” and did consider that this portrayed Mr Gibson as being a 16 year old boy.

The panel therefore finds this allegation proven.

## **2.(b) During the Skype conversations you discussed topics of a sexual nature and/or explicit nature**

In his response on the Notice of Referral Form dated 19 July 2016, Mr Gibson stated that he admitted all of the allegations set out in the Notice of Referral letter dated 4 July 2016, which included this allegation. In a Statement of Agreed Facts signed by Mr Gibson on 5 August 2016, he responded “Yes” that he agreed with the statements that:

“After learning ‘A’ was 16 years old, you sent the following messages:

‘you like cock?’

‘I got 22cm’

‘shame would cum to see boobs’”.

The panel examined the records of the Skype conversations and identified other messages that were of a sexual or explicit nature.

The panel therefore finds this allegation proven.

### **3. Your conduct set out above was sexually motivated.**

In his response on the Notice of Referral Form dated 19 July 2016, Mr Gibson stated that he admitted all of the allegations set out in the Notice of Referral letter dated 4 July 2016, which included this allegation. In a Statement of Agreed Facts signed by Mr Gibson on 5 August 2016, he responded “Yes” that he agreed with the statements that: “Your conduct as set out above at [paragraph] 9 [of the Statement of Agreed Facts] and/or 10 and/or 11 and/or 12 and/or 13 and/or 14 and/or 15 and/or 16 and/or 17 was sexually motivated”. Paragraphs 9 to 17 of the Statement of Agreed Facts are referred to above within the panel’s findings in respect of allegations 1, 2.a and 2.b above.

The panel considered that it was more likely than not that reasonable persons would consider the words used could be sexual. The panel noted that, in the absence of evidence to the contrary, Mr Gibson should be considered to have a good history, and therefore would be less likely to have carried out the alleged facts, especially given the seriousness of the allegation. The panel also considered whether there was any evidence of the circumstances in which Mr Gibson found himself that would have any bearing on his purpose. There was no evidence at all before the panel of Mr Gibson’s medical circumstances at the time of the Skype messages, and in particular there was no evidence of how any medical condition could have impacted upon his behaviour. Given Mr Gibson’s admissions, and the nature of the words used, the panel, on balance, considered it more likely than not that Mr Gibson’s purpose of using such words was sexual.

This allegation is therefore found proven.

### **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”.

The panel is satisfied that the conduct of Mr Gibson in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Gibson is in breach of the expectation to demonstrate consistently high standards of personal and professional conduct. In particular, the panel has found that Mr Gibson has breached 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
- showing tolerance of and respect for the rights of others

Although there was no evidence that the girls who were engaged in Skype conversations with Mr Gibson were pupils, given their age, the panel considered that was a possibility Mr Gibson should have had in mind, and that it did not matter whether the girls were pupils of the school at which Mr Gibson worked or not.

With regard to respect for the rights of others, the panel considered that the girls had a right to not be misled as to the age of the person they were engaged in conversations with, and that Mr Gibson had not respected that right.

The panel is satisfied that the conduct of Mr Gibson fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Gibson's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that the offence of sexual activity is relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel notes that the allegations took place outside of the education setting. However, the panel considered that the conduct affects the way that Mr Gibson fulfils his teaching role since parents would not expect a teacher to behave in this manner towards girls of 16/17 years old.

Accordingly, the panel is satisfied that Mr Gibson is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

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.

The panel therefore finds that Mr Gibson's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 2 proved, we further find that Mr Gibson's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

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

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

The panel has considered the particular public interest considerations set out in the Advice and having done so has found all 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 Mr Gibson, which involved engaging in sexually motivated messages with girls he believed to be 16/17 years old, there is a strong public interest consideration in respect of the protection of pupils.

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

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 Gibson. 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
- a deep-seated attitude that leads to harmful behaviour
- abuse of position or trust
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature

With regard to a deep-seated attitude that leads to harmful behaviour, the panel noted that irrespective of completing safeguarding and child protection training in January 2013 which included "E-Safety", by July 2013, Mr Gibson was engaging in this behaviour. He engaged in conversations with a number of young girls. In his representations for this hearing, the panel considered his attitude to be one of blaming others for his situation and other than stating "I did wrong", there was no insight into his behaviour and the impact on others.

With regard to abuse of trust, the panel considered that Mr Gibson abused the trust placed in him by his headteacher and parents of the school that he would not engage in this behaviour.

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. In light of the panel's findings, there was no evidence that the teacher's actions were not deliberate. Mr Gibson has referred to medical circumstances, but the panel has no evidence other than his own statement as to any medical condition he may have suffered at the time, or how such a condition might have impacted on his behaviour. The panel therefore did not consider that the teacher was acting under duress. The teacher has a previously good record, but there are no references before the panel as to his character.

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 Gibson and his deep-seated attitude was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them 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. These behaviours include serious sexual misconduct, eg 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. There is no evidence that Mr Gibson used his professional position to influence the girls. The panel has found the behaviour to be sexually motivated, albeit at the mid-range of the possible spectrum. Nevertheless, the panel did not consider that Mr Gibson has demonstrated insight into his actions, nor has he shown remorse. The panel were concerned that there was a pattern of behaviour, that Mr Gibson engaged in, regardless of recent safeguarding training, and that he has not reflected properly on the impact his behaviour could have had on the girls or the school at which he worked.

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 provision 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 that has been made by the panel both in respect of sanction and review.

This is a case in which the teacher has admitted the facts that are alleged against him. The panel has found that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has found that Mr Gibson has breached the following standard:

- 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
  - showing tolerance of and respect for the rights of others

The panel has also taken into account the Advice published by the Secretary of State 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
- a deep-seated attitude that leads to harmful behaviour
- abuse of position or trust
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature

I have considered the panel's recommendation carefully. I have also taken into account the need to balance the public interest with the interests of the teacher. I have taken into account the need to be proportionate.

In this case I agree with the recommendation of the panel that Mr Gibson should be prohibited from teaching.

I have also gone on to consider the matter of a review period. I have noted the panel's comments in respect of Mr Gibson's previous record, but have also noted their comments on insight and remorse.

I agree with the recommendation that Mr Gibson should not be given a review period for the reasons set out above.

**This means that Mr Paul Gibson 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 Paul Gibson 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 Paul Gibson 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: 28 September 2016**

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