



National College for  
Teaching & Leadership

# **Mr Stephen Bowers: Professional Conduct Panel outcome**

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

**September 2014**

# 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	14
Decision and reasons on behalf of the Secretary of State	17

## **Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State**

<b>Teacher:</b>	Mr Stephen Bowers
<b>Teacher ref no:</b>	0058334
<b>Teacher date of birth:</b>	1 May 1977
<b>NCTL Case ref no:</b>	0009768/0058334/Bowers
<b>Date of Determination:</b>	17 September 2014
<b>Former employer:</b>	Carleton Community High School

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 15, 16 July and 17 September 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Stephen Bowers.

The Panel members were Ms Sheba Joseph (Teacher Panellist), Dr Geoffrey Penzer (Lay Panellist – In the chair) and Mr Steve Oliver (Teacher Panellist).

The Legal Adviser to the Panel was Ms Fiona Walker of Eversheds LLP.

The Presenting Officer for the National College was Ms Samantha Paxman of Browne Jacobson Solicitors.

Mr Stephen Bowers was present and was represented by Ms Sarah Allen of Counsel.

The hearing took place in public (with two witnesses giving evidence in private) and was recorded.

## **B. Allegations**

The Panel considered the allegations set out in the Notice of Proceedings dated 9 May 2014.

It was alleged that Mr Stephen Bowers was guilty of unacceptable professional conduct/ conduct that may bring the profession into disrepute, in that, whilst employed at Carleton Community High School in 2004:

1. He had an inappropriate relationship with a pupil A. In particular he:
  - a. communicated with Pupil A on the website “sillygoth.com”;
  - b. took Pupil A and Pupil B to a music concert in Manchester in February 2004;
  - c. Regularly communicated with Pupil A via text message;
  - d. Kissed Pupil A on one or more occasions including on School grounds;
  - e. Had sexual intercourse with Pupil A on one or more occasions whilst she was under the legal consensual age;
2. His conduct was sexually motivated with the intention of establishing a sexual relationship with Pupil A.
3. Mr Bowers has admitted the particulars of the allegations 1a and 1b.
4. Mr Bowers has not admitted that those facts of allegations 1a and 1b amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

The Panel considered an application from Mr Bowers that the hearing should be held in private. It decided that the public interest required that the hearing should be public, but determined that it would hear two of the witnesses’ evidence in private.

The Panel also determined that the names of the two witnesses concerned should not be disclosed, either on the hearing papers or at all. The Panel also considered an application during the course of the hearing that one of the witnesses (Witness Z) be permitted to have her own representative present during the hearing whilst in private session. The Panel allowed the representative to remain in the hearing room and she was advised as to the privacy requirements.

The Panel also considered an application from the teacher’s representative for the late admissibility of documents. The application was not opposed by the presenting officer and the Panel determined to admit the documents.

## **D. Summary of evidence**

### **Documents**

In advance of the hearing, the Panel received a bundle of documents which included:

**Section 1 – Chronology, Anonymised Pupil List and List of Key People**

**Section 2 – Notice of Proceedings and Response**

**Section 3 – NCTL Witness Statements**

**Section 4 – NCTL Documents**

**Section 5 – Teacher Documents**

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

### **Witnesses**

The Panel heard oral evidence from :

1. Mr Stephen Bowers – the teacher;
2. Pupil A – former pupil.
3. Witness Z – a witness on behalf of Mr Bowers.

## **E. Decision and reasons**

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

### **Summary of Evidence**

Mr Bowers had been employed at Carleton Community High School between September 2001 and December 2006 as an English teacher. It was alleged that during that time, Mr Bowers entered into an inappropriate and sexual relationship with a pupil. In particular, it was alleged that he communicated with the pupil by text message and via a website; took her with another pupil to a music concert; kissed her on one or more occasion and had

sexual intercourse with her on one or more occasions whilst she was under the legal consensual age.

### Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

## **1 You had an inappropriate relationship with Pupil A. In particular, you:**

### **a. communicated with Pupil A on the website “sillygoth.com”**

The particulars of the allegation have been admitted.

The Panel saw no physical evidence of any communications on the “sillygoth.com” website. The Panel heard evidence from Mr Bowers that he communicated with Pupil A on “sillygoth.com” whilst she was using a pseudonym and that he communicated with her in relation to a particular poem. Pupil A similarly gave evidence that she used a pseudonym as, she said, did most other users on the website. Mr Bowers gave further evidence that he ceased communicating with Pupil A on “sillygoth.com” when he became aware that it was Pupil A although he admitted that he later communicated with her on the website once she was no longer a pupil at the school (Paragraph 31, Page 7 of Mr Bowers’ second witness statement). Pupil A’s evidence was that they did continue to communicate via the website whilst she was a pupil at school.

The Panel preferred the evidence of Pupil A and considered, on the balance of probabilities, it unlikely that Mr Bowers ceased all communication with Pupil A on the “sillygoth.com” website following Mr Bowers becoming aware of who she was, and then started communicating again on the website once Pupil A had left school. During oral evidence, Mr Bowers’ was adamant that he had no contact whatsoever with Pupil A on the website once he had discovered who she was, until after she had left school. The Panel find it improbable that Mr Bowers and Pupil A would have suddenly re-started to use the website to communicate once Pupil A had left school, if they had indeed ceased all communication on the website as Mr Bowers states was the case.

The Panel find the continued communication with Pupil A through this website to have been entirely inappropriate whilst she remained a pupil at the school. This is particularly so given her vulnerability which Mr Bowers accepts he was aware of (Paragraphs 12-13, Page 3 of Mr Bowers’ second witness statement) and, moreover, his awareness of her feelings for him which had developed (Paragraphs 21-27, Pages 5-6 of Mr Bowers’ second witness statement).

The Panel therefore find the allegation proved.

**b. took Pupil A and Pupil B to a music concert in Manchester in February 2004;**

The allegation has been admitted and the Panel find the allegation proved.

Mr Bowers did not dispute in his evidence that he took Pupils A and B to a music concert in Manchester in February 2004, along with one or more male pupils. He also gave evidence that the outing, which was not a school trip, was sanctioned by the Pupils' guardians (Paragraph 41, Page 10 of Mr Bowers' second witness statement). Pupil A confirmed in her witness statement that it was in fact she who informed her guardians rather than Mr Bowers (Paragraph 10, Page 15 of Pupil A's witness statement). The Panel do not find that the fact of taking the two female pupils to the music concert of itself, evidence of an inappropriate relationship. However, the Panel is satisfied that the outing did occur and that the surrounding circumstances and wider context (as set out in the following paragraphs), render the outing to have been inappropriate.

It was accepted in evidence by both Mr Bowers and Pupil A that they spent much of the evening apart during the concert itself albeit Mr Bowers may have periodically checked that Pupil A and Pupil B were safe. At one point during the concert, Mr Bowers and Pupil B agree that he told a drunken man who was hassling Pupils A and B to leave them alone. Pupil A gave further evidence (Paragraph 10, Page 16 of Pupil A's witness statement and during oral evidence) that Mr Bowers stayed with her and Pupil B towards the end of the concert for some time (a couple of songs according to Pupil A) and he stood behind her with his arms around her and at one point told her "You're mine". Mr Bowers denies that happened. Pupil B gave evidence in her statement to the police (Page 57 of the Hearing Bundle) that Mr Bowers did put his arms around Pupil A and said "You're mine". The Panel have considered that evidence of Pupil B but place less weight on it having not heard Pupil B give evidence directly. The Panel was not persuaded, on the balance of probabilities, that either Pupil A's account or Mr Bowers' account of events on the night of the concert were entirely accurate and that is possibly because of the significant passage of time since the event in question.

The Panel took into account the evidence of Mr Bowers' which was that he did accept that, at the time, he did not adopt "best practice" and he did overstep the appropriate boundaries between teacher and pupil. He was informal, on his own evidence, in his relationships with pupils.

The Panel considers the taking of Pupils A and B to the music concert to have been evidence of an inappropriate relationship given the wider context and the vulnerability of Pupil A, which Mr Bowers accepts he was aware of, and as part of the overall pattern of behaviour and relations between Mr Bowers and Pupil A.

The Panel therefore finds the allegation to have been proved.

### **c. Regularly communicated with Pupil A via text message;**

The Panel took into account that there is no physical evidence that Mr Bowers regularly communicated with Pupil A via text message (for example, telephone records/bills, copies of text messages).

Pupil A gave evidence that she and Mr Bowers would text and call each other using mobile telephones (Paragraph 9, Page 15 of Pupil A's witness statement). Mr Bowers' evidence, on the contrary, is that he never communicated with Pupil A via text message until after Pupil A had left school and that no female pupil had ever had his mobile telephone number (Paragraph 48, Page 11 of Mr Bowers' second witness statement). Mr Bowers says he believed, when he later received a text message from Pupil A after she had left school, that she had obtained his number from the back of a CD case (Paragraph 18, Page 38 of Mr Bowers' first witness statement).

The Panel also heard oral evidence from Mr Bowers which was that he did not furnish Pupil A with his mobile telephone number and that he, in fact, only gave it to 3 male pupils, those who were members of the same band. However, Mr Bowers also accepted during oral evidence that it was quite possible that other pupils may have had access to his mobile telephone number. The Panel heard oral evidence from Pupil A that Mr Bowers communicated with her regularly by text message, and by other means.

The Panel also gave consideration, although attached less weight to it, to the evidence of Pupil B given during the criminal trial (Page 98 of the Hearing Bundle) that she recalled Mr Bowers texting Pupil A during one particular week when Pupil A stayed at Pupil B's house in late 2004.

The Panel consider Mr Bowers' evidence that Pupil A did not have his mobile telephone number whilst she was a pupil at the school not to be credible. The Panel find that his mobile telephone number was in the public domain at school (on a CD case and he had given it to some male pupils) and it could easily have been obtained by Pupil A whilst she was a pupil. The Panel also finds it highly likely, given Mr Bowers' case that Pupil A was infatuated with him and her acceptance that she had a "crush" on him, that Pupil A would have sent texts to him whilst she was a pupil at school. The Panel is of the view that, on the balance of probabilities, Pupil A did have Mr Bowers' mobile telephone number and that Pupil A and Mr Bowers did communicate by text message.

The Panel therefore finds this allegation proved.

### **d. Kissed Pupil A on one or more occasions including on School grounds;**

The Panel considered the evidence from Pupil A in her statement that, aside from the occasions when she alleges sexual intercourse took place, there were two occasions when Pupil A says she and Mr Bowers kissed. One such occasion was in a cupboard in



the classroom (Paragraph 8, Page 15 of Pupil A's witness statement) and the other, at Mr Bowers' parents' house (Paragraph 13, Page 16 of Pupil A's witness statement). Mr Bowers denies that he ever kissed Pupil A (Paragraph 53, Page 12 of his second witness statement).

The Panel considered the oral evidence given by Pupil A as to how the alleged first kiss with Mr Bowers came about in the classroom and the Panel found her evidence to be compelling. Pupil A described to the Panel how she went into the cupboard, saw Mr Bowers there, did not kiss him although he was inviting her to do so. She then left the cupboard but changed her mind and went back in to kiss him, which they did. The Panel also heard oral evidence from Mr Bowers that he has never kissed Pupil A, on school grounds or elsewhere.

Pupil B, in her evidence given at the criminal trial, described what she says Pupil A subsequently told her about the kiss in the classroom (Pages 95-96 of the hearing bundle). A diary entry of Pupil B was also read out during Pupil B's evidence which purported to be after Pupil B had received a note from Pupil A, describing the event, and in which Pupil B expresses her disapproval of the kiss which had taken place. Pupil B also referred in her evidence to a conversation between her, Mr Bowers and Pupil A when the event was referred to. This evidence is hearsay and the Panel attaches less weight to it albeit note that it supports Pupil A's account of the events. The Panel also considers the only contemporaneous evidence which is the diary entry and that is supportive of Pupil A's account.

The Panel finds, on the balance of probabilities, that the kiss in the classroom cupboard took place and the Panel prefers the evidence of Pupil A.

In relation to the kiss(es) which Pupil A allege took place at Mr Bowers' parents' house, this is said by Pupil A to have taken place after she had been collected by Mr Bowers from Pontefract town centre. Pupil A says she had telephoned him because she was being harassed by a group of youths (Paragraphs 11-13, Page 16 of Pupil A's witness statement). Mr Bowers flatly denies any such incident took place. Pupil A states that Mr Bowers' brother discovered them and gave them a warning (Paragraph 13, Page 16 of Pupil A's witness statement). The Panel did not hear oral evidence from Mr Bowers' brother nor have sight of the transcript of his evidence in the criminal proceedings. The Panel did consider the letter dated 5 June 2014 from Mr Bowers' brother at Page T23 of the hearing bundle but note that his letter does not specifically say that he did not find Mr Bowers and Pupil A at their parents' house. He simply refutes the allegation that he caught Mr Bowers and Pupil A kissing.

Given the Panel's findings below on 1e, the Panel finds, on the balance of probabilities, that Mr Bowers and Pupil A did kiss on one or more occasions, including on school grounds. The Panel therefore finds the allegation proved.

#### **e. Had sexual intercourse with Pupil A on one or more occasions whilst she was under the legal consensual age.**

The Panel considered the evidence given by Pupil A, given to the police initially and both in her statement and during oral evidence when she described two occasions when she and Mr Bowers engaged in sexual intercourse. The Panel found her evidence to be broadly consistent on each occasion. The Panel also noted that the matters which are alleged and which were the subject of the criminal trial, were not reported by Pupil A and were in fact reported to the police following a disclosure by a health professional some 10 years after the alleged events. In Pupil A's statement (Page 19 of the hearing bundle, Paragraph 36), she confirmed that she had not intended to bring the matters to the attention of the police.

The first alleged occasion was at Mr Bowers' house in Leeds, during the summer of 2004 (Paragraphs 15-16, Page 16 of Pupil A's witness statement), and the other a few days prior to Pupil A's 16<sup>th</sup> birthday on 27 October 2004 (Paragraphs 18-24, Page 17 of Pupil A's witness statement). The Panel heard evidence from Mr Bowers that at no time did he engage in sexual intercourse with Pupil A nor did he engage in any sexual activity whatsoever (Paragraph 55, Page 13 of Mr Bowers' second witness statement).

The Panel noted that Mr Bowers was acquitted at a criminal trial of the charges against him concerning sexual relations with Pupil A.

The Panel took into account that there were no witnesses to Pupil A going to Mr Bowers' house on either occasion and Pupil A's evidence is that she told no-one at the time. However, Pupil A apparently told Pupil B of the events but much later, on New Year's Eve 2007, according to the evidence of Pupil B given at the criminal trial (Page 101 of the hearing bundle). Mr Bowers suggests in his evidence that the timing of this is significant because it was in the same month that he got married.

The Panel considered the oral evidence given by Pupil A concerning the house of Mr Bowers and her recollection of it. Mr Bowers gave a similar description of it during his oral evidence and that was broadly consistent with the description Pupil A gave, albeit Mr Bowers described a third floor (a loft conversion). Mr Bowers also described an "ugly" fireplace in the sitting room which he would expect a description to contain and he explained that there were no patio doors, contrary to Pupil A's description. Mr Bowers suggested that Pupil A may have visited the house and looked through the window which enabled her to give the description.

The Panel finds the most detailed account of the two occasions of alleged sexual intercourse was given by Pupil A to the police when she was interviewed in March 2012. The Panel was shown a recording of this interview during the hearing. The Panel found Pupil A's descriptions of the sexual intercourse to be credible. Pupil A went on, during that interview, to describe the sexual intercourse which took place in late October 2004 and the Panel found her descriptions to be similarly credible.

Pupil A also gave evidence that during their first sexual encounter Mr Bowers asked her for oral sex which she refused (Paragraph 16, Page 16 of Pupil A's witness statement). Mr Bowers also gave evidence that he, some time later in February or March 2006, received a text message from Pupil A out of the blue in which oral sex was discussed (Paragraph 19, Page 38 of Mr Bowers' witness statement). The Panel finds this to be consistent with the possibility that Mr Bowers and Pupil A had, at some stage earlier, discussed oral sex.

The Panel has considered the evidence that Pupil A's behaviour and attitude towards Mr Bowers changed from around the end of October 2004 and find the timing of that to be significant given Pupil A's evidence that they had sexual intercourse at the end of October 2004 and thereafter she ended their relationship. Pupil B gave evidence in the criminal trial from her diary entries which refer to Pupil A and Mr Bowers having split up. The Panel took into account these diary entries although attach less weight to them having not heard oral evidence from Pupil B.

The Panel has considered all the evidence and, on the balance of probabilities, finds the facts of this allegation to have been proved. The Panel found the oral evidence of Pupil A credible and was persuaded that sexual intercourse did take place between Pupil A and Mr Bowers on one or more occasions. Mr Bowers gave blanket denials about the alleged incidents. In relation to the second alleged incident in particular, Pupil A confirmed that this took place a few days before 27 October 2004 (Paragraph 18 of her witness statement, Page 17 of the hearing bundle). Mr Bowers, despite the possible date being narrowed down to a few days, did not try to provide the Panel with reasons why the incident could not have occurred. The Panel took into account the passage of time which might make exact recollection difficult but the date would have been around or during the half term week in October 2004 which would have made it more memorable for a teacher and easier to check. The Panel did not find Mr Bowers' denials convincing, partly because he did not attempt to provide any explanations about why the events could not have taken place.

Considering Allegation 1 in its entirety, the Panel finds the allegation to be proved and that Mr Bowers did have an inappropriate relationship with Pupil A. The Panel finds the particulars of the allegation 1a, 1c, 1d and 1e to be clear examples of an inappropriate relationship. The Panel finds that 1b would not by itself be evidence of an inappropriate relationship, but given the wider circumstances and context, it is evidence of inappropriate behaviour on the part of Mr Bowers.

A further piece of evidence which is not directly referred to in the particulars of the allegation but which is relevant to the context and the Panel's findings, is the letter written by Mr Bowers to Pupil A at the end of Pupil A's time at school. The letter is at Pages 61-64 of the hearing bundle. The Panel found the letter to be compelling evidence of an inappropriate relationship having existed between Pupil A and Mr Bowers. The Panel heard evidence from Witness Z that she was unaware of the existence of the letter until

the criminal proceedings. The Panel heard the evidence from Mr Bowers which was that the letter had a page missing and he was replying to a letter from Pupil A but find that whatever the letter under reply had said or whatever pages were missing (and the Panel do not speculate about those), the content of the letter in the hearing bundle is compelling evidence of the inappropriate relationship.

The Panel also considered that there were a number of other facts and events which evidence the inappropriate relationship which are relevant to its findings below. One such event is the purchasing by Mr Bowers of items from the internet for Pupil A, whether they were gifts or whether he was reimbursed for them by Pupil A. One such item was an ornamental dagger.

The Panel found a significant part of Mr Bowers' evidence and his version of events to be implausible. Mr Bowers accepted that he did become aware of Pupil A's feelings for him at some stage; he had overheard Pupil A on occasions referring to the fact that she and Mr Bowers were "going out"; he accepted that Pupil A specifically asked him if they could "go out" and asked him when they were going to be together; he observed Pupil A's severe dislike for Witness Z; he admitted that he knew Pupil A had shouted at Witness Z in school to "stay away from Bowers"; he accepted that Pupil A punched him in the chest on one occasion in school and he accepted that Pupil A wrote letters to him. Yet, at no stage, and in spite of Mr Bowers' awareness of Pupil A's vulnerability given her tragic personal circumstances, did Mr Bowers confirm that he voluntarily reported the matters to senior staff at the school. Moreover, Witness Z confirmed that she was unaware, at the time, of the incident when Pupil A punched Mr Bowers in the chest and the Panel heard no evidence that Mr Bowers discussed any of the matters with other staff members. Only on one occasion, when Mr Bowers was called to a meeting by the deputy head, did he discuss possible concerns about Pupil A with a senior member of staff. This was following concerns being raised by Pupil A's guardian. The Panel heard no evidence that at any point, in spite of the above incidences and events, did Mr Bowers take the initiative to report or discuss concerns about Pupil A with senior staff or with anyone.

The Panel finds this evidence and Mr Bowers' version of events to be highly relevant to the context and it has been influential in the decisions made on the findings on the allegations.

## **2 Your conduct was sexually motivated with the intention of establishing a sexual relationship with Pupil A.**

The Panel considered the evidence of Mr Bowers which was that he may have been "too emotionally involved with his entire tutor group" (Paragraph 66, Page 16 of his second witness statement) and the Panel heard a significant amount of evidence which demonstrated to the Panel that this was in fact the case - taking pupils to concerts/gigs of up to 50 in a 5 year period (Paragraph 46, Page 11 of Mr Bowers' second witness statement); asking pupils for advice about which Valentine's Day card to send to a

girlfriend and allowing pupils to be aware of a romantic relationship with a woman in America (Paragraph 22, Page 5 of Mr Bowers' second witness statement).

The Panel finds that, on the balance of probabilities, Mr Bowers did not initially have any sexual intentions in developing his relationship with Pupil A. Mr Bowers gave oral evidence to the Panel that he is bad at reading signals from women, especially about their feelings for him and the Panel find that it is likely, on the balance of probabilities, that Mr Bowers led Pupil A on without intending to do so and certainly did not discourage her, as Mr Bowers stated in his evidence (Paragraph 15, Page 37 of his first witness statement). The Panel finds that Mr Bowers did allow the relationship to develop and to develop sexual overtones and that led to sexual contact.

The Panel finds, on the balance of probabilities, that Mr Bowers' conduct was sexually motivated with the intention of establishing a sexual relationship with Pupil A. Clearly the relationship as the Panel has found developed into a sexual one and, at some point, this means that Mr Bowers' conduct became sexually motivated, even though it may not have been so from the start.

## **Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute**

In considering the allegations that the Panel has found proven, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice.

The Panel is satisfied that the conduct of Mr Bowers in relation to the facts found proven, involved breaches of the Teachers' Standards. The Panel considers that by reference to Part Two, Mr Bowers 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 is satisfied that the conduct of Mr Bowers fell significantly short of the standards expected of the profession.

The Panel has also considered whether Mr Bowers' conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the Guidance and we have found that the offence of sexual activity is relevant on the basis that Mr Bowers did on one or more occasion kiss Pupil A and have sexual intercourse with her. The Guidance 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.

Accordingly, the Panel is satisfied that Mr Bowers 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 Panel therefore finds that Mr Bowers' actions constitute 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.

The Panel considers Mr Bowers to be of previous good character and the Panel has considered the character statements contained in the hearing bundle, namely those at Pages T28-40 of the hearing bundle from former pupils, former colleagues, associates and employers of Mr Bowers.

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 Teacher Misconduct – Prohibition of Teachers Advice and, having done, so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the Panel's findings against Mr Bowers, which involved findings that he had an inappropriate relationship with Pupil A by having communicated with Pupil A on the website sillygoth.com; having taken her and another pupil to a music concert; regularly communicated with her by text message; kissed her on one or more occasions; had sexual intercourse with her on one or more occasions whilst she was under the legal consensual age and that his conduct was sexually motivated, there is a strong public interest consideration. In particular, the finding that Mr Bowers had sexual intercourse with Pupil A whilst she was under the legal consensual age is highly relevant to these public interest considerations. There is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with a pupil. Similarly, the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bowers was not treated with the utmost seriousness when regulating the conduct of the profession. The Panel believed that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Bowers 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 Bowers. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence that was presented to it by Mr Bowers' representative which is that Mr Bowers' teaching record is good and these events took place some 10 years ago and that his subsequent teaching record is a good one. It was submitted on behalf of Mr Bowers that it would not be proportionate to prohibit in this case. The Panel has taken those matters into account.

The Panel also considered the letters and references (Pages T28-40 of the hearing bundle) from former pupils, former colleagues, associates and employers who all consider Mr Bowers to be a very good teacher, professional, helpful, kind and someone who built good relationships with staff and students alike. The Panel was mindful of the fact that prior to these findings being made against him, Mr Bowers was considered to be a person of good character with no criminal or disciplinary sanctions record against him.

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 Bowers. The Panel took further account of the Teacher Misconduct – Prohibition of Teachers 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 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, 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 these 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 a proportionate measure to impose, particularly taking into account the nature and severity of the behaviour. In light of the Panel's findings, there was no evidence that Mr Bowers' actions were not deliberate and there was no evidence to suggest that he was acting under duress.

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 Bowers. The serious sexual misconduct, the very serious departure from the personal and professional conduct elements and the abuse of position were significant factors 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 Teacher Misconduct – Prohibition of Teachers Advice states 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 two years.

The Teacher Misconduct – Prohibition of Teachers 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. The Panel has found that Mr Bowers has been responsible for engaging in sexual intercourse with Pupil A, kissing Pupil A on one or more occasions and being sexually motivated. His behaviour amounts to serious sexual misconduct.

Mr Bowers has always denied that sexual contact with Pupil A took place and has not shown any remorse, insight or otherwise provided explanations for the sexual conduct or indeed the other serious behaviour and conduct which the Panel has found proven.

The Panel felt the findings indicated a situation in which a review period would not be appropriate and has therefore decided that, given the circumstances of this case, it is proportionate 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 carefully considered the findings and recommendations of the panel in this case.**

**The panel have found all the allegations proven and have judged that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Those facts include Mr Bowers engaging in an inappropriate relationship with a pupil that included sexual intercourse whilst the pupil was under the legal consensual age.**

**In considering whether a prohibition order would be an appropriate and proportionate sanction the panel have properly balanced the public interest considerations with those of Mr Bowers. They have found a strong public interest consideration in respect of the protection of pupils. They have also determined that public confidence in the profession could be seriously weakened and that there was a strong public interest consideration in declaring proper standards of conduct. It was submitted on Mr Bowers behalf that these events took place some 10 years ago and that his previous and subsequent teaching record was good, supported by a range of letters and references from former pupils, former colleagues and employers.**

**Having taken all the facts into consideration the panel have recommended that a prohibition order is an appropriate and proportionate sanction. I agree with this recommendation.**

**The panel went on to consider whether a review period would be appropriate. Mr Bowers' behaviour amounts to serious sexual misconduct. He has continued to deny that sexual contact took place and has not shown any remorse or insight into his actions. In the circumstances I agree that the prohibition order should be without the opportunity to apply for it to be set aside.**

**This means that Mr Stephen Bowers 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 Stephen Bowers 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 Stephen Bowers 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.**

**NAME OF DECISION MAKER: Paul Heathcote**

A handwritten signature in black ink, appearing to read 'P. K. ...' with a large, stylized flourish at the end.

**Date: 19 September 2014**

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