



National College for
Teaching & Leadership

Thomas Robert Rees: Professional Conduct Panel outcome

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

April 2014

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

Teacher:	Mr Thomas Robert Rees
Teacher ref no:	10/60977
Teacher date of birth:	4 March 1988
NCTL Case ref no:	10536
Date of Determination:	7 April 2014
Former employer:	Beverley High School for Girls/East Riding of Yorkshire Council

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 7 April 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Thomas Robert Rees.

The Panel members were Mr Peter Cooper (Teacher Panellist– in the Chair), Professor Janet Draper (Lay Panellist) and Ms Nicole Jackson (Lay Panellist).

The Legal Adviser to the Panel was Mr Graham Miles of Morgan Cole LLP, solicitors.

The meeting took place in private. The decision and reasons were announced in public and were recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 26 March 2014.

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

Whilst working as a teacher at Beverley High School for Girls, between 24 January 2013 and 27 February 2013, he:

- 1. Sent inappropriate and unprofessional emails to Pupil A, a Year 9 female pupil:**

- (a) Outside of school hours, including:**
 - (i) Before the school day commenced**
 - (ii) Late at night**
 - (iii) In the early hours of the morning**
 - (iv) At weekends**
 - (v) During school holidays**
- (b) Referring to colleagues at the School in an inappropriate and unprofessional manner**
- (c) Disclosing personal information about himself**
- (d) Encouraging a relationship beyond the normal teacher/pupil relationship.**

2. On one or more occasions during the email communication described at paragraph 1 above, he failed to realise and/or take appropriate action in relation to Pupil A's developing feelings for him.

C. Preliminary applications

None

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 7

Section 2 - Notice of Referral, Response and Notice of Meeting, pages 9 to 12a

Section 3 - Statement of Agreed Facts and Presenting Officer representations, pages 13 to 26

Section 4 - NCTL documents, pages 27 to 321

Section 5 - Teacher documents, pages 322 to 334.

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

Statement of Agreed Facts

The Panel considered a Statement of Agreed Facts signed by Mr Rees on 27 February 2014.

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.

Between 1 September 2011 and 3 May 2013, Mr Rees was employed by East Riding of Yorkshire Council as a science teacher at Beverley High School for Girls ("the School"). Between 24 January 2013 and 27 February 2013 Mr Rees engaged in email communication with Pupil A, a 14 year old girl at the School. The emails were exchanged on both his and Pupil A's school email account. The email communications between Mr Rees and Pupil A were at various times including before the school day commenced, late at night, in the early hours of the morning, at the weekend and during school holidays.

The email communication was initiated by Pupil A on 24 January 2013 and timed at 13:03. The email was in relation to a previous discussion between Mr Rees and Pupil A regarding her school work and career advice. Mr Rees responded to this email on the same day at 22:56 offering to assist Pupil A with school work and revision sessions. In an email on 27 January 2013 timed at 21:30, Mr Rees explained that former pupils stayed in touch after leaving school by emailing him from their personal email accounts.

On more than one occasion between 24 January 2013 and 27 February 2013, in his email communication with Pupil A, he and Pupil A referred to colleagues in an unprofessional manner. Mr Rees did not discourage Pupil A from making inappropriate comments in relation to his colleagues.

On more than one occasion between 24 January 2013 and 27 February 2013 in his email communications with Pupil A Mr Rees inappropriately discussed his personal life including details about his family, his birthday and his age and when he was born and that he wanted children, one of each or three max.

On more than on occasion in his email communications with Pupil A he inappropriately discussed the consumption of alcohol.

Findings of Fact

Our findings of fact are as follows:

We have found the particulars of the following allegations against Mr Rees proven, namely:

Whilst working as a teacher at Beverley High School for Girls, between 24 January 2013 and 27 February 2013, he:

- 1. Sent inappropriate and unprofessional emails to Pupil A, a Year 9 female pupil:**
 - (a) Outside of school hours, including:**
 - (i) Before the school day commenced**
 - (ii) Late at night**
 - (iii) In the early hours of the morning**
 - (iv) At weekends**
 - (v) During school holidays**
 - (b) Referring to colleagues at the School in an inappropriate and unprofessional manner**
 - (c) Disclosing personal information about himself**
 - (d) Encouraging a relationship beyond the normal teacher/pupil relationship.**
- 2. On one or more occasions during the email communication described at paragraph 1 above, he failed to realise and/or take appropriate action in relation to Pupil A's developing feelings for him.**

We find that facts alleged in allegation 1(a) (i) to (v) inclusive, (b), (c) and (d) proved based on the admissions made by Mr Rees, the Statement of Agreed Facts and the email correspondence.

In relation to allegation 2, we also find the facts proved. In the Statement of Agreed Facts, Mr Rees admits that he failed to realise and/or act upon indications that Pupil A was developing a relationship with him beyond the bounds of teacher/pupil. In his letter of mitigation dated 10 February 2014 Mr Rees states that it did not cross his mind that Pupil A had feelings for him and hence he had not reported their communications. Mr Rees also states that he understood the seriousness of child protection and safeguarding from

the training he was given on his first day as a student teacher at the Headlands School. He also said that from his first day at Beverley High School he was clear about the requirement to report any concerns that he had about safeguarding issues. Given this and the content of the emails in the bundle we are satisfied that he should have realised the pupil's apparent increasing dependency on him and acted appropriately, including reporting his concerns. Indeed, his letter of 10 February 2014 shows his familiarity with the appropriate procedures. Mr Rees does not provide any plausible explanation for the discrepancy between his understanding of the procedure and his lack of appropriate action.

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

We are satisfied that the conduct of Mr Rees in relation to the facts found proved amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The nature, volume and timing of his email communications with Pupil A were inappropriate. We concur with the statement made by the Headteacher, Ms Japp, at the appeal hearing on 7 June 2013, that Mr Rees abused his position of trust and that his actions undermined the school's efforts to help children understand how to keep themselves safe on line. Mr Rees admits that he blurred the boundaries appropriate to a teacher's professional position. We are satisfied that this was conduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. In addition, the conduct displayed would be likely to have a negative impact on his status as a teacher, potentially damaging the public's perception of teachers.

Mr Rees breached the Personal and Professional Conduct elements of the Teachers' Standards in that he failed to uphold public trust in the profession and maintain high standards of ethics and behaviour in that he failed to:

- build relationships rooted in mutual respect and trust and at all times observe proper boundaries appropriate to a teacher's professional position;
- have regard for the need to safeguard pupils' well-being;

In addition, Mr Rees failed to have proper and professional regard for the ethos, policies and practices of the school.

Panel's recommendation to the Secretary of State

This was a serious departure from the personal and professional conduct elements of the Teachers' Standards and an abuse of a position of trust. In addition, this was misconduct that could seriously affect the well-being of pupils.

The statement of Mr Rees dated 10 February 2014, whilst acknowledging an 'error of judgment', seeks to minimise the seriousness of his behaviour. He said in this statement that 'at no point during the email conversation did [he] reveal personal details'. However, it is clear to us from reviewing the emails that they were not professional communications between a teacher and pupil. They contained a considerable amount of personal information, including his derogatory views on some colleagues. Furthermore, in an early email dated 27 January 2014, sent at 9.44 am, he said 'sorry went into teacher mode'. This reinforces the view that Mr Rees was aware of the distinction between emails written from the position of teacher and those that were not.

Despite the training and additional advice that he was given on more than one occasion, Mr Rees still failed to restrict his behaviour within the accepted professional boundaries expected of a teacher. This was not a single error of judgment, but a continuing pattern of behaviour.

We noted that Mr Rees has been employed as a teacher at Hemsworth Arts and Community Academy. We have carefully considered a character reference from his current Principal dated 28 November 2013 referring to his conduct covering a period of 'almost four months'. The Principal confirmed that there had been no issues with his email communication or conduct during this brief period

Nevertheless, Mr Rees in his recent letter of 10 February 2014 still seeks to minimise the seriousness of his behaviour. This indicates a continuing lack of insight on his part. Coupled with his previous failure to adjust his behaviour, we have concluded that there is a significant and continuing risk of the behaviour being repeated.

The Panel takes the view that safeguarding and child protection are of paramount importance and they are a core feature of a teacher's professional duties. There is a public expectation that a teacher promotes the well-being of their pupils by maintaining appropriate professional boundaries at all times, within and outside school. We have concluded that it is necessary to recommend a Prohibition Order in this case in order to protect pupils and maintain public confidence in the profession. We consider this to be a proportionate sanction.

We have decided to recommend that Mr Rees should be able to apply for the Prohibition Order to be set aside after a period of 5 years. Our reasons are that, although the conduct was so serious that a Prohibition Order should be imposed, we could not conclude that there should be no provision for him to apply. In addition, we noted references to immaturity and inexperience which suggest that the passage of time may enable Mr Rees to develop insight and understanding of the requirements of the role of a teacher.

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 proven all the allegations relating to Mr Rees inappropriate and unprofessional use of email to Pupil A and his failure to realise and/or take appropriate action in relation to Pupil A's developing feelings for him.

The Panel have determined that the nature, volume and timing of Mr Rees email communications with Pupil A were inappropriate and that he abused his position of trust, blurring the boundaries appropriate to a teacher's professional position. They have judged this to be misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. Mr Rees has breached the personal and professional elements of the Teachers' Standards in that he failed to uphold public trust in the profession and maintain high standards of ethics and behaviour. The Panel are satisfied that Mr Rees behaviour amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In considering whether a Prohibition Order is an appropriate and proportionate sanction they have taken account of the fact that Mr Rees continued to minimise the seriousness of his behaviour. This was not a single error of judgement but a continuing pattern of behaviour. Mr Rees has shown a lack of insight into his behaviour and the Panel have concluded there is a continuing and significant risk of the behaviour being repeated. They have concluded that a Prohibition Order is both appropriate and proportionate and I agree with that recommendation.

In considering whether it would be appropriate to recommend a minimum period after which Mr Rees could apply for the Order to be set aside, the Panel have balanced the seriousness of the behaviour with references to his immaturity and inexperience. They have concluded that the passage of time may enable Mr Rees to develop insight and understanding of the requirements of a teaching role and I agree that Mr Rees should be entitled to apply for the Order to be set aside after a minimum of 5 years has elapsed.

This means that Mr Thomas Robert Rees is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, **but not until 15 April 2019, 5 years from the date of this order at the earliest**. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Thomas Robert Rees remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Thomas Robert Rees 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.

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

NAME OF DECISION MAKER: Paul Heathcote

Date: 08/04/2014

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