

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Stephen Andrew Watson

Teacher ref no: 06/63861

Teacher date of birth: 10 July 1982

TA Case ref no: 9450

Date of Determination: 4 April 2013

Former Employer: Ridings' Federation of Academies, Bristol

A. Introduction

A Professional Conduct Panel ("the Panel") of the National College for Teaching and Leadership convened on 2 April 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Stephen Andrew Watson at a meeting.

The Panel members were Mr Martin Pilkington (Lay Panellist– in the Chair), Mr Peter Monfort (Teacher Panellist) and Mrs Fiona Tankard (Teacher Panellist).

The Legal Adviser to the Panel was Mr Paul Owston of Berrymans Lace Mawer LLP Solicitors.

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

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 14 February 2013.

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

He engaged in an inappropriate relationship with a female student (Pupil A) whilst employed at The Ridings' Federation of Academies in that he:

1. Failed to maintain appropriate boundaries with Pupil A during the New York Business Studies trip;
2. Failed to report a potential safeguarding issue regarding Pupil A to the designated Child Protection Officers.
3. Attempted to hide or conceal his alleged relationship with Pupil A;
4. Engaged in inappropriate email communication with Pupil A;
5. Sent a personal email to Pupil A when he was timetabled to teach a Year 10 Hospitality group.

C. Summary of Evidence

Documents

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

Notice of Referral, Response Pro Forma & Notice of Meeting – on pages 1 – 6

Statement of Agreed Facts and Representations – on pages 7 – 19

National College for Teaching and Leadership documents – on pages 20 – 160

Witness statements – on pages 161 – 184

Agreed Facts

The Statement of Agreed Facts in the above documents at pages 6 – 12 stated that:

1. Stephen Watson (DOB 10 July 1982) was employed at The Ridings' Federation of Academies ("the Academy") from 1 September 2011 until July 2012.
2. Pending the original investigation, Stephen Watson was suspended from his role as Deputy Head of Year/Teacher of Business Studies on 23 April 2012.
3. Before the Academy conducted their investigation, the police carried out theirs. It was confirmed to Individual A on 10 May 2012 that the police were taking no further action.
4. Stephen Watson was originally notified of the School's investigation on 15 May 2012 by Individual B. A copy of this letter is at document 6.
5. Following an initial police investigation, the Academy decided that they would conduct their own internal investigation. Individual B contacted Individual C and asked him to be the investigating officer. Individual C began his investigation on 17 May 2012.
6. The allegation being investigated was that Stephen Watson had an inappropriate relationship of a sexual nature with a student of the Academy. The allegation came to light after two male students from the Academy hacked into the student's email account and found messages between her and Stephen Watson, many of which were seen to be inappropriate.
7. The student believed to be involved was Pupil A. Pupil A was 17 years old at the time that the events referred to in the allegation occurred.

Allegation 1

8. From 1-5 March 2012, Stephen Watson and Pupil A were on a school business trip together in New York. Prior to this trip, Pupil A had been spending a lot of time in the business teachers' offices, where Stephen Watson was based, within the Academy sixth form building. This is confirmed in the statement taken during the investigation as seen at documents 9-13.
9. On the New York trip, Stephen Watson's room at the hotel was on the same floor as Pupil A's, whilst the other teachers, Individual D and Individual E were on a different floor. This is confirmed in the statements of both Individual D and Individual E.
10. Individual D states in her statement at document 10 that there were rumours of Stephen Watson having a spare key to Pupil A's room. Stephen Watson explained that during the trip he had to give a spare key for Pupil A's room, which he gave to a group of male students in the room next door. Pupil A confirmed this account in her statement also.
11. Individual E said in her statement that in New York, Pupil A always wanted to be with Stephen Watson.
12. On the flight home from New York, some students moved seats, which led to Stephen Watson getting extremely angry as recalled by Individual E. She explained how he made everyone move back to their original seats, which left Stephen Watson and Pupil A sitting together. Neither of them deny sitting next to each other on this flight.
13. It is generally agreed that the rumours about the relationship between Stephen Watson and Pupil A escalated after the New York trip.
14. Following the New York trip, Stephen Watson sent a Facebook message to Individual F saying "It basically started from this girl's ex-boyfriend saying I spent New York knobbing her. Which one chat with Individual E would have proved that at no point was there any chance of that occurring".
15. When questioned about the Facebook message in her interview during the investigation, Individual E was unable to confirm what Stephen had said.
16. Stephen Watson admits allegation 1, namely that he failed to maintain appropriate professional boundaries with Pupil A whilst on the New York business studies trip.

Allegation 2

17. Following the New York trip, Stephen Watson and Pupil A began emailing each other through their private email accounts instead of using the Academy network. Prior to this, the emails between Stephen Watson and Pupil A had been sent through the Academy network and were generally in relation to

Academy business. One of these emails sent from Stephen Watson to Pupil A shows him providing her with his personal email address.

18. On 20 March 2011, Stephen Watson provided Pupil A with his home address in order to arrange to meet with her.
19. Stephen Watson confirmed that he had sent this and did arrange to meet Pupil A. However, he claims that this was due to problems that Pupil A was having at school and in her personal life, particularly with her father. He said "She was struggling with her Dad where there was a massive issue".
20. Individual A and Individual G, said at interview that they were unaware of any such problems Pupil A was having in her personal life. Individual G did confirm that Pupil A had problems with her peers. What was also confirmed was that if this was true then it should have been reported to one of the Child Protection Officers as a safeguarding issue.
21. Stephen Watson in his interview confirmed that he did not report this as he "didn't see it as a potential issue".
22. Stephen Watson admits allegation 2, namely that he did not report a potential safeguarding issue to the designated Child Protection Officers.

Allegation 3

23. Further emails were exchanged between Stephen Watson and Pupil A in March and April 2012.
24. On 21 March 2012, Stephen Watson said to Pupil A that she would have to "really throw them off the scent". Pupil A replied to this saying "Don't worry they do not suspect you what so ever". Stephen Watson confirmed sending this email but stated that it was due to rumours circulating about him and Pupil A that he wanted to stop. Stephen Watson said people were making assumptions of a relationship. Stephen Watson confirmed that when he started receiving these messages from Pupil A, he tried to "bat her off".
25. On 15 April, Stephen Watson emailed Pupil A to say "Just been through and deleted all my inbox, sent items, deleted my deleted items and everything. I just know it's going to inevitably start getting mentioned again tomorrow!! Delete all, and delete again!!!". Stephen Watson linked this to the way the emails had been obtained. Two of Pupil A's fellow pupils had hacked into her account and found the messages. Stephen Watson said they only picked out the messages that made them look bad so it was best to just delete them all.
26. It was shortly after this, around Easter time, that Stephen Watson said he started ignoring Pupil A's emails due to concerns about the rumours.
27. Stephen Watson admits allegation 3, namely that he attempted to hide or conceal his alleged relationship with Pupil A.

Allegation 4

28. On 23 March 2012, Pupil A sent Stephen Watson a message which started "I am in love with you too" and ended with "I just wanted to give you a huge kiss and a cuddle after school". Pupil A's explanation was to explain that both of the above comments were only meant in a friendly way and nothing more. Stephen Watson's stance on this was to reiterate that when he started receiving these messages, he tried to ignore her.
29. On 27 March 2012, Pupil A then emailed Stephen Watson to say "We are just going to have to be very careful, but no different than we are with each other because that would look suspicious ...". This email concluded with the comment saying "So how exactly are we going to spend the day in bed on Monday?". Pupil A stated in interview that she did not recall why she said this. Stephen Watson said he ignored this message and went to Bristol to get away from it.
30. Both Stephen Watson and Pupil A then gave similar accounts when questioned about the email she sent to him on 1 April 2012 saying "I just wanted to send you a message just to let you know that I wish you were here cuddling me right now, kissing me all over. And me doing the same to you. And then a nice cuddle, wearing nothing under a blanket". Pupil A said "they are just words, nothing ever happened".
31. On 5 April 2012 Stephen Watson messaged Pupil A again to say "I can't wait for all these rumoured surprises". Stephen Watson revealed in his interview with Paul Lobb that he did not know what these surprises were as he had not seen the emails. He continually denied that the emails contained any sexual connotations.
32. Stephen Watson admits allegation 4, namely that he engaged in inappropriate email communication with Pupil A.

Allegation 5

33. An email sent on 15 April 2012 from Stephen Watson to Pupil A at 09.56am was sent whilst Stephen Watson was scheduled to teach a Year 12 Hospitality group. This is the email referred to at paragraph 25 above. Stephen Watson admits allegation 5, namely, that he sent a personal email to a pupil when he was timetabled to teach a Year 12 Hospitality group.
34. Stephen Watson admits the facts of the allegation against him and that they amount to unacceptable professional conduct as defined in the Department of Education's advice entitled "The Prohibition of Teachers" which came into force on 1 April 2012; namely, that his conduct was of a serious nature, falling significantly short of the standard and behaviour expected of a teacher.

D. Panel's 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.

It is alleged that whilst employed by The Ridings' Federation of Academies at Winterbourne Academy, Bristol, Mr Watson engaged in an inappropriate relationship with a 17 year old female student.

Findings of fact

Our findings of fact are as follows:

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

Mr Watson engaged in an inappropriate relationship with a female student (Pupil A) whilst employed at The Ridings' Federation of Academies in that he:

3. Attempted to hide or conceal his alleged relationship with Pupil A;
4. Engaged in inappropriate email communication with Pupil A;
5. Sent a personal email to Pupil A when he was timetabled to teach a Year 10 Hospitality group.

Mr Watson has admitted the allegations in the Notice of Referral Form signed by him on 5 November 2012. We have also accepted the evidence in the Statement of Agreed Facts signed by him on 16 January 2013.

We have also accepted the evidence in the National College for Teaching and Leadership's documents, in particular those relating to the school's investigation into the relationship between Mr Watson and Pupil A and the emails between Mr Watson and Pupil A. With regard to the latter, it is particularly disturbing that the course of the emails led to Mr Watson's receiving an email from Pupil A on 6 April 2012 to which she attached a photograph of herself in her underwear or a swimsuit. That is consistent with the content of the emails between them.

We have found the following particulars of the allegations against Mr Watson not proven, for these reasons.

Mr Watson engaged in an inappropriate relationship with a female student (Pupil A) whilst employed at The Ridings' Federation of Academies in that he:

1. Failed to maintain appropriate boundaries with Pupil A during the New York Business studies trip;
2. Failed to report a potential safeguarding issue regarding Pupil A to the designated Child Protection Officers.

Although Mr Watson has admitted these allegations, the Statement of Agreed Facts and the National College for Teaching and Leadership's documents do not support them. In relation to allegation 1 we can see no credible evidence or admission that anything untoward occurred on the trip, whatever rumour or innuendo followed it. In relation to allegation 2 no particular safeguarding issue is specified. The Statement of Agreed Facts is somewhat confusing in relation to whether the safeguarding issue relates to Mr Watson's contact with Pupil A, the relationship between Pupil A and her father or problems Pupil A had with her peers. The latter two do not appear to us to be in reality safeguarding issues. In any event the former is dealt with in the other allegations.

We do not consider that this finding requires us, in the public interest and/or in the interests of justice, to consider the allegations at a hearing. Given the lack of evidence and/or specificity in the allegations, Mr Watson's admissions are curious. Nevertheless, we are confident on the basis of the evidence before us that we can reach a safe and fair conclusion and in any event the other allegations get to the real heart of the matter.

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

Having found the facts of allegations 3, 4 and 5 proven we further find that they amount to unacceptable professional conduct.

This is because;

Mr Watson's actions constituted misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher.

We have noted Mr Watson's admission that his actions amount to unacceptable professional conduct.

Mr Watson's actions breached the GTC Code of Conduct and Practice for Registered Teachers, effective from 1 October 2009. Specifically he:

Failed to put the wellbeing, development and progress of young people first by failing to:

- Use his professional expertise and judgement to do his best for Pupil A.
- Take all reasonable steps to ensure the safety and wellbeing of Pupil A.
- Establish and maintain appropriate professional boundaries with Pupil A.

He also failed to uphold public trust and confidence in the teaching profession by failing to maintain reasonable standards in his own behaviour.

His actions were also contrary to the latest Teachers' Standards published by the DfE. Specifically, he failed to demonstrate consistently high standards of personal and professional conduct by:

Failing to uphold public trust in the profession and to maintain high standards of ethics and behaviour in that he failed to treat Pupil A with dignity, build a relationship rooted in mutual respect, and at all times observe proper boundaries appropriate to his professional position. He also failed to have regard to the need to safeguard pupils' well-being, in accordance with statutory provisions.

The emails between Mr Watson and Pupil A disclose a completely unacceptable course of conduct by Mr Watson and the public would rightly be troubled by such behaviour.

We do not make a finding of bringing the profession into disrepute because Mr Watson's conduct took place in a school context and therefore this case only relates to unacceptable professional conduct.

Panel's Recommendation to the Secretary of State

When considering what sanction, if any, to recommend we have had regard to "The Prohibition of Teachers – DfE advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession". In particular we have had regard to the protection of children, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. We have sought to approach the issue bearing in mind the principle of proportionality.

We have concluded that in this instance it is appropriate to recommend that a Prohibition Order be made.

We have carefully considered the documents that we have been provided with and in particular the statements of Mr Watson and Pupil A.

Mr Watson's behaviour is incompatible with being a teacher because the contents of the emails clearly demonstrate an abuse of a position of trust and represent a serious departure from the GTC Code of Conduct and Practice for Registered Teachers and the personal and professional conduct elements of the latest Teachers' Standards published by the DfE. Further, Mr Watson sought to hide or conceal the emails and urged Pupil A to do likewise.

Mr Watson has cooperated with these proceedings and Pupil A has not referred to any harm that has been caused by the events in question. Nevertheless, that does not excuse Mr Watson's behaviour or that at the time he failed to notify a designated Child Protection Officer, or indeed anyone, about his contact with Pupil A. Teachers are in position of great responsibility and trust with regard to their students and Mr Watson breached that trust, not least by engaging in and encouraging a course of emails that resulted in Pupil A sending a picture of herself in a state of undress.

We recommend that Mr Watson should be allowed to apply to set aside the Prohibition Order but not before four years have elapsed. This takes account of the serious nature of this matter and that Mr Watson may be able to satisfy a future Panel that he is fit and proper person to be a teacher, after having had further time to reflect on his behaviour and develop insight.

Secretary of State's Decision and Reasons

I have carefully considered the panel's findings and recommendations in this case.

Those allegations found proven by the Panel represent misconduct of a serious nature, falling significantly short of the standards expected of a teacher. Mr Watson admits his behaviour amounts to unacceptable conduct and the Panel have found the same.

Through his behaviour, Mr Watson has failed to observe proper boundaries appropriate to his professional position. He has also failed to have regard to the need to safeguard pupils' well-being, in accordance with statutory provisions.

Taking all the circumstances into account I support the Panel's recommendation that a Prohibition Order is an appropriate and proportionate sanction.

Whilst Mr Watson has co-operated with the process, nevertheless his behaviour has fallen well short of that expected of a member of the teaching profession. I agree the Panel's recommendation that he should not be allowed to apply for the order to be reviewed until a minimum period of 4 years has elapsed.

This means that Mr Stephen Andrew Watson 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 11 April 2017, 4 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 Stephen Andrew Watson remains barred from teaching indefinitely.

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

Mr Stephen Andrew Watson 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

DATE: 4 April 2013