



National College for
Teaching & Leadership

Mr Daniel Bowles: Professional conduct panel outcome

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

November 2015

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

Teacher: Mr Daniel Bowles
Teacher ref number: 1048077
Teacher date of birth: 11 October 1980
NCTL case reference: 13045
Date of determination: 9 November 2015
Former employer: St Thomas More Catholic School, Surrey

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 9 November 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Daniel Bowles.

The panel members were Mr Peter Cooper (teacher panellist – in the chair), Mr Martin Pilkington (lay panellist) and Mrs Kathy Thomson (teacher panellist).

The legal adviser to the panel was Thomas Whitfield of Eversheds LLP solicitors.

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobson LLP solicitors. Mr Perkins was not present at the meeting.

Mr Bowles was not present and was not represented at the meeting.

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 allegation set out in the Notice of Proceedings dated 23 June 2015.

It was alleged that Mr Daniel Bowles was guilty of unacceptable professional conduct, in respect of his conduct towards Pupil A whilst he was employed at St Thomas More Catholic School, Purley, in that:

1. He was cautioned under Section 16 of the Sexual Offences Act 2003 for a sexual act with a female aged 13-17 and for abusing his position of trust.

Mr Bowles admitted the facts of the allegations and that they amounted to unacceptable professional conduct.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

In advance of the meeting, the panel received a bundle of documents which included:

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of referral, response and notice of meeting – pages 5 to 8b

Section 3: Statement of agreed facts and presenting officer's representations – pages 10 to 13

Section 4: NCTL documents – pages 15 to 82

Section 5: Teacher documents – pages 84 to 96

In addition, the panel agreed to accept a further copy of the statement of agreed facts, as the copy in the bundle provided in advance was missing a page.

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

Witnesses

The panel did not hear any oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Daniel Bowles was employed at St Thomas More Catholic School, Purley, as a teacher of religious education from April 2013. On 21 May 2014, a pupil showed the headteacher of the school copies of text messages said to have been sent by Mr Bowles to another pupil, Pupil A, who was then in Year 12 of the school and aged 17. The headteacher was concerned about the contents of the text messages and spoke to Mr Bowles about them. Mr Bowles admitted sending the text messages to Pupil A and indicated that he had also kissed Pupil A. Mr Bowles resigned from his post the following day, 22 May 2014.

Findings of fact

The panel's findings of fact are as follows:

The panel has found the following particulars of the allegation against Mr Daniel Bowles proven, for these reasons:

Whilst he was employed at St Thomas More Catholic School, Purley:

1. He was cautioned under Section 16 of the Sexual Offences Act 2003 for a sexual act with a female aged 13-17 and for abusing his position of trust.

The panel has been provided with a copy of the police national computer record, showing that Mr Bowles was cautioned on 13 June 2014, under section 16 of the Sexual Offences Act 2003 for a sexual act with a female aged 13-17. The panel received legal advice that an offence under that section involves abuse of position of trust.

The panel has also seen a statement of agreed facts signed by Mr Bowles, in which he admits that:

- a. from September 2013 he would make comments to Pupil A to the effect that his day was complete when marking her into the register;
- b. he exchanged personal mobile telephone numbers with Pupil A;
- c. he exchanged a number of text messages with Pupil A, including sending a text message telling her that she was "cute" and also sent text messages ending with a kiss ("x");

- d. he offered to hug Pupil A when she explained that she was depressed and then proceeded to hug Pupil A;
- e. a few weeks after the first hug, he said words to the effect of, “should we?” and hugged Pupil A again; and
- f. he kissed Pupil A on the lips.

In light of the above, the panel has found the allegation proven.

Findings as to unacceptable professional conduct

Having found the allegation to have been proven, the panel has gone on to consider whether the facts of that allegation amount to unacceptable professional conduct.

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 Bowles, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Bowles is in breach of 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 [and]
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions ...

The panel has also considered whether Mr Bowles has displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel notes that Mr Bowles was cautioned for an offence that involved sexual activity. 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.

In light of all of the above, the panel considers that Mr Bowles’ conduct, as found proven, amounts to misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. The panel is satisfied that Mr Bowles is guilty of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, it is necessary for the panel to go on to consider whether to recommend the imposition of a prohibition order by the Secretary of State.

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

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Bowles, which involved sexual activity with a pupil, 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 Bowles were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considers that a strong public interest consideration in declaring proper standards of conduct in the profession is also present as the conduct found against Mr Bowles could not 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 Bowles.

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 Bowles. 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils; and
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

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

There was no evidence before the panel that Mr Bowles' actions were not deliberate, nor was there any suggestion that Mr Bowles was acting under duress.

The panel does however understand that Mr Bowles has a previously good record.

The panel notes that Mr Bowles admitted his misconduct at an early stage, in that his kissing of Pupil A came to light by Mr Bowles' voluntary admission, when he was questioned about text messages sent to Pupil A (which made no reference to a kiss).

There was also some evidence before the panel which indicated that Mr Bowles was suffering from sleep deprivation at the relevant time.

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 Bowles. The fact that Mr Bowles has engaged in a sexual act with a vulnerable pupil 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 was mindful that the Advice indicates 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, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. Mr Bowles has admitted that his actions were sexually motivated. The panel has found that Mr Bowles exchanged mobile telephone numbers with a vulnerable pupil, communicated with her by text message, hugged her, asked, "shall we?" and then kissed her. Pupil A was a vulnerable student. Mr Bowles' actions were considered and the conduct continued over a period of time. In these circumstances, the panel finds Mr Bowles' actions to have been serious sexual misconduct.

Mr Bowles has indicated that he regrets his actions and is sorry for them. The panel notes however, that Mr Bowles does not appear to have shown any recognition of the

impact, or potential impact, of his misconduct on Pupil A. In his statement of 13 June 2014, Mr Bowles says, “we kissed”, thereby implying a degree of mutuality and diminishing his own responsibility. Similarly, Mr Bowles writes that, “there was a peck on the cheek”, rather than expressly acknowledging that he was responsible for that kiss.

Mr Bowles also originally sought to argue that Pupil A was not still on the school’s roll, so as to diminish the severity of his actions. The panel also notes that Mr Bowles asked the school to refrain from mentioning the misconduct in a potential employment reference, when he was applying to be a teacher at another school.

In the circumstances, the panel considers this to be a situation in which a review period is not appropriate. As such it has 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 of the panel in respect of both sanction and review period.

This is a case concerning sexual misconduct. The teacher accepted a caution under Section 16 of the Sexual Offences Act 2003 for a sexual act with a female aged 13-17 and for abusing his position of trust.

The teacher admitted the caution and that it amounted to unacceptable professional conduct.

The panel has considered the advice published by the Secretary of State as have I.

Mr Bowles’ conduct, as found proven, amounts to misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher.

I have considered the need to balance the public interest with the interests of Mr Bowles. I have also considered the need to act proportionately.

I support the recommendation of the panel that Mr Bowles be prohibited.

I have also considered the issue of a review period. I have taken into account the recommendation of the panel and the fact that the panel reports that although Mr Bowles has indicated that he regrets his actions and is sorry for them, Mr Bowles does not appear to have shown any recognition of the impact, or potential impact, of his misconduct on Pupil A. In his statement of 13 June 2014, Mr Bowles says, “we kissed”, thereby implying a degree of mutuality and diminishing his own responsibility. Similarly, Mr Bowles writes that, “there was a peck on the cheek”, rather than expressly acknowledging that he was responsible for that kiss.

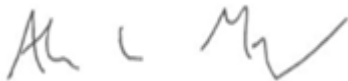
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I support the panel on the matter of review.

This means that Mr Daniel Bowles 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 Daniel Bowles 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 Daniel Bowles 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 grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 13 November 2015

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