



National College for
Teaching & Leadership

Mr Rob Myers Professional conduct panel outcome

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

February 2017

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

Teacher: Mr Rob Myers
Teacher ref number: 8149797
Teacher date of birth: 25 May 1959
NCTL case reference: 15360
Date of determination: 14 February 2017
Former employer: The Wensleydale School and Sixth Form

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 13 and 14 February 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Rob Myers.

The panel members were Ms Alison Robb-Webb (teacher panellist – in the chair), Professor Roger Woods (lay panellist) and Ms Alison Feist (lay panellist).

The legal adviser to the panel was Tom Walker of Blake Morgan LLP solicitors.

The presenting officer for the National College was Kayleigh Brooks of Browne Jacobson solicitors.

Mr Myers was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 17 November 2016.

The panel will hear an allegation that Mr Myers was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute whilst employed as a teacher at The Wensleydale School and Sixth Form ('the School') in that he:

1. Used inappropriate language in the presence of one or more pupils including:
 - a) In or around December 2015, when discussing attendance, he made a reference to 'ten naked virgins' on his drive or words to that effect;
 - b) Telling one or more pupils that they should 'show the Chief Examiner your cleavage' or words to that effect;
 - c) Saying to pupils 'don't come to the next lesson with low cut tops on as you're teasing me' or words to that effect;
 - d) After reading Pupil B's work for a textual adaptation task, he said 'this is like soft porn, are you trying to get me off? It's really good' or words to that effect;
 - e) When in the Bistro he:
 - (i) said to Pupil E 'get down you slag' or words to that effect when she put her foot on the table;
 - (ii) said to Pupil B 'do you want me to call her a slut then' or words to that effect, when Pupil B said that he should not have made the comment as set out in 1(e)(i).
2. Referred to pupils as:
 - a) 'needy girls';
 - b) 'leeches';
 - c) 'naughty girls';
 - d) 'beautiful girls'.
3. In relation to Pupil C he:
 - a) leant over her;
 - b) smelled her;
 - c) said to her 'you smell nice' or words to that effect.
4. Had inappropriate physical contact with pupils including:
 - a) Touching Pupil B on her arm and trying to put her arm behind her back;

- b) Putting his hand over Pupil C's hand when she was using the computer mouse;
 - c) Slapping Pupil D on the arm whilst in the Bistro.
5. Failed to maintain professional boundaries with one or more pupils by:
- a) Allowing pupils to call him 'Rob' and/or 'baldy' during lessons;
 - b) Discussing topics of a personal nature with or in the presence of pupils including discussing his personal relationships;
 - c) Engaging in inappropriate email conversations with Pupil D.
6. In or around October 2015 he met one or more pupils outside of school to attend a showing of Macbeth at Richmond Station cinema without the knowledge or approval of the School.

Mr Myers did not accept all the allegations. Mr Myers denied allegations 1b), 1c), 1d) and 4a) and the panel proceeded on the basis that the case was contested to this extent.

C. Preliminary applications

The presenting officer applied to proceed with the hearing in the absence of Mr Myers. After hearing submissions from the presenting officer, and receiving legal advice, the panel announced the decision as follows:

The panel is satisfied that the notice has been served in accordance with Rule 4.11.

The panel is satisfied that Mr Myers is aware of the proceedings and has voluntarily absented himself from the hearing. Mr Myers has responded to the Notice of Proceedings in a conversation with the presenting officer recorded in a note dated 13 January 2017 (page 140 of the bundle) and has confirmed that he does not wish to attend the hearing. The panel is satisfied that Mr Myers has voluntarily absented himself from attending the hearing.

The panel has had regard to the public interest in these proceedings taking place reasonably and promptly and is satisfied that there is no useful purpose in not proceeding today.

In accordance with Rules 4.11 and 4.27 to 4.29, the panel has decided to proceed in the absence of Mr Myers.

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 2 to 4

Section 2: Notice of Proceedings and Response – pages 6 to 15

Section 3: NCTL witness statements – pages 16 to 20

Section 4: NCTL documents – pages 21 to 135

Section 5: Teacher documents – pages 136 to 140

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

Witnesses

The panel heard oral evidence from Pupil B.

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 hearing. The panel has received legal advice and has accepted that advice.

Mr Myers was employed as a teacher at The Wensleydale School and Sixth Form ('the School') from July 2015 until March 2016. In the course of his employment, a number of pupils made complaints about his conduct including the use of inappropriate language and inappropriate physical contact. In the course of the investigation undertaken by the School, further complaints were made in relation to alleged failure to maintain professional boundaries in the classroom and allegedly taking pupils on a trip without the knowledge or approval of the School.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegation(s) against you proven, for these reasons:

- 1. Used inappropriate language in the presence of one or more pupils including:**
 - a) Used inappropriate language in the presence of one or more pupils including: In or around December 2015, when discussing attendance, you made a reference to 'ten naked virgins' on your drive or words to that effect;**

Mr Myers admits in his statement of facts that he used this expression and that this was inappropriate (page 24 of the bundle).

There is also evidence from Pupil A that this expression was used and the panel is persuaded that this expression was used rather than 'women' or 'girls'.

This comment was made to a group of female pupils in a classroom setting. The panel is of the view that this expression clearly had a sexualised undertone. Furthermore, Pupil B gave evidence that she had confronted Mr Myers in relation to this comment and he stated "I am only a man; you can't blame me".

The panel accepts the evidence of Pupil B as credible. The panel is further satisfied that it was inappropriate by virtue of the fact that this expression represents the unnecessary use of sexualised language. The panel is satisfied on the balance of probabilities that this allegation is proven.

b) Telling one or more pupils that they should 'show the Chief Examiner your cleavage' or words to that effect;

Mr Myers does not accept this allegation. However, the panel heard oral evidence from Pupil B. The evidence of Pupil B was very credible. The panel also had sight of the transcripts of the interviews with Pupil C (page 85 of the bundle) and Pupil D (page 89 of the bundle) which corroborate the account of Pupil B.

The panel has had regard to how the original complaint against Mr Myers was made, and notes the suggestion by Mr Myers that pupils may have colluded in fabricating this allegation against him. However, the panel found Pupil B credible and clear in evidence, and noted that Pupils C and D also gave clear accounts when interviewed. Whilst the language used by the pupils to describe Mr Myers' comments was not identical, the essence of the pupils' complaints was consistent. It is the panel's view that this reinforces the veracity of their accounts. The panel accepts the submission of the NCTL that, had there been collusion, then one would expect complaints to be identical.

The panel has had particular regard to the clarity of Pupil B, and is persuaded by her evidence. The panel has also accepted the evidence of Pupil B that some pupils, including Pupil D, were initially reluctant to complain about Mr Myers. The panel is of the view that this also weighs against any suggestion that the pupils have colluded. The panel does not accept the account of Mr Myers.

The panel also accepts that the pupils in question believed Mr Myers to be the Chief Examiner, and as such interpreted this as suggesting that they should exhibit sexualised behaviour towards him.

Rather than encouraging the pupils to focus on their academic work, the panel finds that this remark had the effect of demeaning these pupils and objectifying them in an entirely inappropriate and sexualised manner. The panel also takes the view that this remark would tend to devalue the office of the Chief Examiner in the eyes of the pupils by suggesting that the examination process is not based on academic merit. The panel is satisfied that this comment was inappropriate.

The panel is satisfied on the balance of probabilities that this allegation is proven.

c) Saying to pupils ‘don’t come to the next lesson with low cut tops on as you’re teasing me’ or words to that effect;

Mr Myers does not accept this allegation. However, the panel heard oral evidence from Pupil B which they found credible. The panel also had sight of the transcripts of the interviews of Pupil C (page 86 of the bundle) and Pupil D (page 89 of the bundle) which corroborate the account of Pupil B.

Pupil B gave a clear account of how the expression had affected her. Pupil B stated that it made her ‘feel weird and awkward’, when interviewed in the course of the investigation by the School. Mr Myers denied that he had made any sexualised comments and denied telling the pupils that they had ‘dirty minds’ when challenged about making such comments (pages 111 to 112 of the bundle).

The panel accepts the evidence of Pupil B that she challenged Mr Myers about the comment: ‘don’t come to the next lesson with low cut tops on as you’re teasing me’ or words to that effect. The panel is satisfied that Mr Myers' response to this challenge displayed a lack of insight. The panel finds that the response of Mr Myers to the challenge had the effect of deflecting responsibility for his comments onto his pupils. The panel is persuaded by the evidence of Pupil B. The panel does not find Mr Myers' account convincing and prefers the accounts of Pupils B, C and D.

For the reasons set out above under 1b) the panel does not accept that there has been any collusion between pupils. The panel rejects the account of Mr Myers. The panel is satisfied, on the balance of probabilities, that this remark was made and that it was inappropriate.

The panel is satisfied on the balance of probabilities that this allegation is proven.

d) After reading Pupil B’s work for a textual adaptation task, you said ‘this is like soft porn, are you trying to get me off? It’s really good’ or words to that effect;

Mr Myers denied this allegation. The panel heard oral evidence from Pupil B on this allegation and found it to be clear and compelling.

The panel is mindful that the study of literature may involve assessment and discussion of sexual and romantic matters. However, in this case, Mr Myers made a sexualised and gratuitous remark which referred personally to Pupil B. Pupil B described the impact of this upon her and said it ‘made her feel physically sick’. The panel finds that this comment was inappropriate and is satisfied, on the balance of probabilities, that this allegation is proven.

e) When in the Bistro you:

i. said to Pupil E ‘get down you slag’ or words to that effect when she put her foot on the table;

Mr Myers accepted this allegation and that the term ‘slag’ had negative connotations (paragraph 12 at page 25 of the bundle). The panel heard clear and convincing oral evidence from Pupil B who witnessed this incident. Whilst it was reasonable for Mr Myers

to seek to admonish Pupil E for such behaviour, the language used by Mr Myers is commonly regarded as a sexual insult targeting females. The panel does not accept Mr Myers' explanation that this term did not have a sexual connotation. The panel is satisfied that the use of the expression was inappropriate and is satisfied on the balance of probabilities that this allegation is proven.

- ii. **said to Pupil B 'do you want me to call her a slut then' or words to that effect, when Pupil B said that you should not have made the comment as set out in 1(e)(i).**

Mr Myers accepted this allegation and that the term 'slut' had negative connotations (paragraph 12 at page 25 of the bundle). The panel heard clear and convincing oral evidence from Pupil B who confronted Mr Myers about the matter set out above. The panel is of the view that the term 'slut' is commonly used, and widely regarded, as a sexual insult commonly targeting women. The panel does not accept Mr Myers' explanation that this term did not have a sexual connotation. The panel is satisfied that this expression was inappropriate and is satisfied on the balance of probabilities that this allegation is proven.

2. Referred to pupils as:

- a) **'needy girls';**
- b) **'leeches';**
- c) **'naughty girls';**
- d) **'beautiful girls'.**

Mr Myers accepts these allegations. However, whilst the panel has taken this admission into account, it has also carefully considered the matter and had regard to all the evidence including the evidence of Pupil B.

The panel is satisfied that each of these expressions was used and that Mr Myers referred to pupils in this way. The panel is satisfied on the balance of probabilities that this allegation is proven.

3. In relation to Pupil C you:

- a) **leant over her;**
- b) **smelled her;**
- c) **said to her 'you smell nice' or words to that effect.**

Mr Myers accepted this allegation, with the exception of 3b), which he denied. The panel accepts the transcript of the interview of Pupil C (at page 85 of the bundle). The panel notes there is no indication as to when this incident took place. However, the panel is satisfied, on the balance of probabilities, that Mr Myers did lean over Pupil C and made the remark that 'she smelled nice'. The panel is not satisfied that this was a deliberate act of trying to smell the pupil, but is satisfied that Mr Myers approached Pupil C, leant over, and was thus close enough to smell her whether he had approached her with this intention

and done so deliberately or otherwise. However, the panel is satisfied, on the balance of probabilities, that each of the particulars in this allegation is proven.

4. Had inappropriate physical contact with pupils including:

a) Touching Pupil B on her arm and trying to put her arm behind her back;

Mr Myers denies this allegation. However, the panel heard clear and compelling evidence from Pupil B on this allegation and accepts her account. The panel is satisfied that this incident took place as described in the allegation. Pupil B gave a detailed and specific account as to how this incident had developed following her complaint that she was suffering from pain. Pupil B stated that before Mr Myers touched her, she protested 'no don't it really hurts', after which Mr Myers proceeded to touch Pupil B anyway before she told him to stop. The panel is satisfied that contact with Pupil B took place for a short period and that this was inappropriate because Pupil B did not want Mr Myers to touch her but he did so anyway. The panel is satisfied, on the balance of probabilities, that this allegation is proven.

b) Putting your hand over Pupil C's hand when she was using the computer mouse;

Mr Myers accepts this allegation. Pupil C also refers to this allegation at page 85 of the bundle. The panel is satisfied that Mr Myers had inappropriate physical contact with Pupil C because it was unnecessary for him to place his hand over her hand whilst it was on the mouse. The panel is satisfied, on the balance of probabilities, that this allegation is proven.

c) Slapping Pupil D on the arm whilst in the Bistro.

Mr Myers accepted this allegation and agreed that such physical contact was unacceptable (page 26 of the bundle). Pupil D refers to this at page 88 of the bundle. Pupil D described this slap as 'really quite hard'. The panel is persuaded that Mr Myers delivered a slap with inappropriate force, albeit there was no malicious intent on his part. However, the panel is satisfied that this action was inappropriate in all the circumstances because it is inappropriate to ever slap a pupil even if this is done with playful intent. The panel is satisfied, on the balance of probabilities, that this allegation is proven.

5. Failed to maintain professional boundaries with one or more pupils by:

a) Allowing pupils to call you 'Rob' and/or 'baldy' during lessons;

The panel notes that Mr Myers accepts that he allowed pupils to call him by his first name and that this represented a failure to maintain professional boundaries. The panel received evidence that Mr Myers initiated this, and that this was not the practice at the School. However, whilst the panel accepts that Mr Myers encouraged pupils to use his first name, the panel recognises that use of a first name by teachers in an educational context may vary and is not satisfied that this alone, in isolation, represented a failure to maintain professional boundaries.

The panel was satisfied that Mr Myers allowed pupils to call him 'baldy' and indeed Mr Myers himself accepts this. The panel is of the view that introducing this personalised slang

into his communications with pupils eroded proper boundaries and created an ethos of over-familiarity and disrespect in which he was complicit. The panel is satisfied on the balance of probabilities that Mr Myers allowed pupils to call him 'baldy' and that this represented a failure to maintain professional boundaries. The panel finds this allegation proven to this extent.

b) Discussing topics of a personal nature with or in the presence of pupils including discussing your personal relationships;

Mr Myers accepts that he discussed topics of a personal nature with or in the presence of pupils including discussing his own personal relationships and that such discussions were inappropriate and represented a failure to maintain professional boundaries (page 26 of the bundle).

The panel is of the view that the issue as to whether discussing matters of a personal nature with pupils represents a failure to maintain professional boundaries is a question of scope and degree.

The panel accepted the evidence of Pupil A (page 75 of the bundle) that discussions were of such a frequency and length that they interrupted lessons and distracted pupils from their work.

The panel also accepted the evidence of Pupil D (page 89 of the bundle) that Mr Myers talked about the dates that he was going on. The panel notes that the conversation with Pupil D which resulted in the slap (allegation 4c) also involved discussions about Mr Myers' relationships.

Pupil B also stated that Mr Myers would take an interest in our [the pupils] relationships and he had told Pupil C that she needed a 'fella to sort her out'.

The panel is satisfied that Mr Myers would regularly engage pupils in conversations about personal relationships, including his, and that he did so in a way having regard to the nature and frequency of conversations, that was wholly unacceptable. The panel is satisfied that Mr Myers has failed to maintain proper professional boundaries in this respect and is satisfied, on the balance of probabilities, that this allegation is proven.

c) Engaging in inappropriate email conversations with Pupil D.

Mr Myers accepts this allegation. The panel noted the email extract at page 135 of the bundle. Pupil D, whilst in the company of other pupils, emailed Mr Myers in the early hours of 16 January 2016. In this email, Pupil D referred to Mr Myers as a 'bald xxxx'. Mr Myers responded to this and signed off his email with an 'x'. Mr Myers also referred to the personal relationships of the pupils, including Pupil A. As regards to Pupil A, Mr Myers made negative reference to her and did so to Pupil D in a way that could be described as demeaning: 'Shut the front door!! [Pupil A] pulled?!!!!'. The panel is of the view that this correspondence with Pupil D was wholly inappropriate and represents a clear and obvious failure to maintain professional boundaries. The panel is satisfied, on the balance of probabilities, that this allegation is proven.

6. In or around October 2015 you met one or more pupils outside of school to attend a showing of Macbeth at Richmond Station cinema without the knowledge or approval of the School.

Mr Myers accepts this allegation. Mr Myers accepts that this trip was organised without the knowledge or approval of the School. The trip in question involved pupils from the School although it was conducted outside school time. The panel reviewed and accepted the position of the School, set out by the Deputy Head when questioning Mr Myers, that Mr Myers did not notify the School or conduct any risk assessments in relation to this trip and thus did not follow school policy (page 122 of the bundle). The panel notes that when questioned, Mr Myers accepted that he had not notified or sought the approval of the School. The panel find this allegation proven on the balance of probabilities.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Myers in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Myers 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, and maintain high standards in their own attendance and punctuality.
- 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 Myers fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Myers displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice but decided that his conduct, whilst serious, did not amount to any of the behaviours listed.

As regards to allegation 1, the panel is of the view that each of the particulars which has been found proven represents unacceptable professional conduct. In relation to 1a) to 1e), Mr Myers used sexualised language to pupils and also made references to pupils which either demeaned them or had the effect of sexually objectifying them. These comments had a direct impact on pupils, who reported that this behaviour made them feel uncomfortable and disgusted. In the case of Pupil B, she stated in evidence that she became de-motivated to the extent that she considered abandoning her studies and reported that the conduct had a negative impact on her academic performance. The panel accepts that the conduct of Mr Myers had this impact on pupils. Each of the particulars even alone would represent a serious and significant departure from acceptable standards of professional conduct.

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

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. Mr Myers used sexualised language and insults directed at female pupils, and also made remarks tending to devalue the office of the Chief Examiner in the eyes of pupils (allegation 1b). Accordingly, the panel is satisfied that Mr Myers' actions at allegations 1a) to 1e) also constitute conduct that may bring the profession into disrepute.

As regards to allegation 2, the panel is not satisfied that Mr Myers is guilty of unacceptable professional conduct. The remarks used were ill-advised and represent a departure from the Teachers' Standards. However, the panel is not satisfied that these remarks fall significantly short of the behaviour expected of a teacher such as to amount to unacceptable professional conduct. Similarly, the panel is of the view that, whilst such comments represent a departure from the Teachers' Standards, they were not so serious as to constitute conduct that may bring the profession into disrepute.

As regards allegation 3, the panel is not satisfied that Mr Myers is guilty of unacceptable professional conduct. The panel reminded itself that there was no evidence that Mr Myers smelled Pupil C deliberately. However, the action of leaning over a pupil and then remarking on a pupil's smell was ill-advised. However, the panel is not satisfied that these remarks fall significantly short of the behaviour expected of a teacher such as to amount to unacceptable professional conduct. Similarly, the panel is of the view that, whilst such actions were ill-advised, they were not so serious as to constitute conduct that may bring the profession into disrepute.

As regards allegation 4, the panel is of the view that each of the actions found proven amount to unacceptable professional conduct. These actions represent clear instances of inappropriate physical contact. In the cases of 4a) and 4c), the pupils were also made to feel uncomfortable as a result of the contact. The panel is satisfied that this conduct in each of the particulars represents a serious failure to treat pupils with dignity and observe proper boundaries appropriate to a teacher's professional position and is unacceptable professional conduct. The panel is also satisfied that Mr Myers' actions constitute conduct that may bring the profession into disrepute as the conduct displayed would likely have a negative impact on the individual's status as a teacher or be potentially damaging to the public perception.

As regards to allegation 5a), the panel is satisfied that Mr Myers' allowance of the expression 'baldy' represented a failure to maintain proper professional boundaries. The panel is of the view that this represents a serious departure from the Teachers' Standards, in that it was conduct which would tend to disrupt appropriate relationships in the classroom by leading to a lack of professionalism and over-familiarity. The panel is of the view that this amounts to unacceptable professional conduct. The panel is also of the view that this action would likely have a negative impact on the individual's status as a teacher or be potentially damaging to the public perception and thus constitutes conduct that may bring the profession into disrepute.

As regards 5b), the panel is of the view that this represents a serious departure from the Teachers' Standards and represents serious misconduct. The panel accepts that the pupils did initially engage with Mr Myers in conversations about personal relationships and indeed took into account evidence from Pupil D that she felt guilty on the basis that pupils may have encouraged Mr Myers to engage with them in such a way. However, Mr Myers had ample opportunity to desist and avoid any such conversations and he failed to do so over an extended period. The panel is thus satisfied having regard to the scope and degree of such conversations, that this conduct represented a significant departure from appropriate standards and is unacceptable professional conduct. The panel is also of the view that this action would likely have a negative impact on the individual's status as a teacher or be potentially damaging to the public perception and thus constitutes conduct that may bring the profession into disrepute.

As regards allegation 5c), the panel is of the view that Mr Myers should have avoided any such correspondence with pupils of this nature. The email in question was sent in the early hours of a morning after pupils had been on a night out in Newcastle. There was no requirement or even pressure to respond. However, Mr Myers responded and did so in an inappropriate way. Mr Myers made pejorative remarks about the pupils on the night out, and also made negative comments about Pupil A to Pupil D in a way which demeaned Pupil A. The panel is thus satisfied having regard to the nature of the email correspondence, that this conduct represented a significant departure from appropriate standards and is unacceptable professional conduct. The panel is also of the view that this action would likely have a negative impact on the individual's status as a teacher or

be potentially damaging to the public perception and thus constitutes conduct that may bring the profession into disrepute.

As regards allegation 6, the panel is satisfied that this conduct represents unacceptable professional conduct. Mr Myers displayed ignorance of the school's practices and procedures in relation to school trips. The panel is of the view that it was, or should have been, obvious to Mr Myers that such trips required the knowledge and approval of the School. Mr Myers has thus breached the following section of the Teachers' Standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

Accordingly, the panel is satisfied that Mr Myers is guilty of unacceptable professional conduct. The panel is also of the view that this action would likely have a negative impact on the individual's status as a teacher or be potentially damaging to the public perception and thus constitutes conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

The panel has considered the particular public interest considerations set out in the Advice and having done so has found 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.

The unacceptable professional conduct displayed by Mr Myers was repeated over several months and in a number of different contexts. The panel found that Mr Myers' conduct involved the use of sexualised and insulting language to and about pupils, inappropriate discussions with pupils about personal relationships, inappropriate physical contact and a failure to follow school procedures in relation to trips. The panel also found that Mr Myers' unacceptable professional conduct had a negative impact on the education and well-being of pupils. Given these findings, 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 Myers were not treated with the utmost seriousness when regulating the profession.

Mr Myers' conduct was outside that which could reasonably be tolerated. The panel considered that there was a strong public interest in declaring proper standards of conduct in the profession in this case.

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 Myers.

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 Myers.

The panel has had regard to the Advice at pages 9 to 11 and has considered whether there is any evidence of any of the behaviours described as likely to be incompatible with being a teacher.

The panel is satisfied that the conduct of Mr Myers represents the following:

- 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.

The panel is satisfied that Mr Myers has displayed conduct which is fundamentally incompatible with being a teacher.

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.

The panel received no character references but accepted that Mr Myers has a previously good record. However, there was no evidence to suggest that the Mr Myers was acting under duress, and in fact the panel found the teacher's actions to be deliberate and sustained. In all instances, it is the teacher's responsibility to maintain professional boundaries and Mr Myers failed to do this.

Whilst Mr Myers has made a number of admissions, including that his conduct was unacceptable, he has displayed little insight into his conduct. There remains some risk of his conduct being repeated.

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 Myers. The widespread, repeated and persistent nature of the unacceptable professional conduct was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that a prohibition order applies for life. However, 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 also indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel is not satisfied that these are relevant.

The panel felt the findings indicated a situation in which a review period would be appropriate. However, given the nature of the findings, the panel is of the view that Mr Myers requires an extended period to reflect upon his conduct and demonstrate insight. As such, the panel has decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of not less than 4 years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the findings made by the panel and the recommendations made by the panel to me in respect of both sanction and review period.

In this case, I have noted that the panel found all of the facts of the case proven. However, the panel has also set out where in respect of some of the facts found proven the panel has found that those facts do not amount to unacceptable professional conduct or conduct that may bring the profession into disrepute. I have taken careful account of that matter and in those cases where the facts found have not been found to amount to unacceptable professional conduct or conduct that may bring the profession into disrepute I have put them from my mind.

Throughout my consideration of this case, I have taken into account the guidance that is published by the Secretary of State. I have also taken into account the need to balance the public interest and the interest of the teacher and the need to be proportionate. I have in particular taken into account the fact that a finding of unacceptable professional conduct or conduct that may bring the profession into disrepute is itself a serious matter, and that such a finding alone may be a proportionate response.

In this case, the panel has found, for those matters where they have found both unacceptable professional conduct and conduct that may bring the profession into disrepute, that Mr Myers 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has been satisfied that the conduct of Mr Myers fell significantly short of the standards expected of the profession.

I have also noted that the panel is satisfied that the conduct of Mr Myers represents the following:

- 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.

The panel is satisfied that Mr Myers has displayed conduct which is fundamentally incompatible with being a teacher.

For the reasons that are given, I support the findings of the panel.

I have also noted all of the comments of the panel in terms of insight and remorse and in terms of previous good character. I have taken all of those matters into account in considering how to deal with the recommendation made by the panel.

Having taken all of these matters into account and having read with care the recommendations of the panel I also have found that the widespread, repeated and persistent nature of the unacceptable professional conduct supports the view that Mr Myers should be made the subject of a prohibition order.

I have gone on to consider the matter of a review period. I have again read the recommendation of the panel and taken into account the need to be proportionate.

In this case, the panel has set out that it felt the findings indicated a situation in which a review period would be appropriate. However, given the nature of the findings, the panel has expressed the view that Mr Myers requires an extended period to reflect upon his conduct and demonstrate insight. As such, the panel has decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of not less than 4 years.

I have considered that recommendation and I support it. It is fair and proportionate.

This means that Mr Rob Myers 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 24 February 2021, 4 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Rob Myers remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Rob Myers has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Alan Meyrick

Date: 17 February 2017

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