



National College for
Teaching & Leadership

Mr Andrew Prouse: Professional Conduct Panel outcome

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

November 2014

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	9
Documents	9
Witnesses	10
E. Decision and reasons	10
Panel's recommendation to the Secretary of State	25
Decision and reasons on behalf of the Secretary of State	27

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

Teacher:	Mr Andrew Prouse
Teacher ref no:	9556735
Teacher date of birth:	31 October 1973
NCTL Case ref no:	0010927
Date of Determination:	27 November 2014
Former employer:	X County Council

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 19th, 24th, 25th, 26th and 27th November 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Andrew Prouse.

The Panel members were Mr Martin Greenslade (Lay Panellist – in the Chair), Mrs Gail Goodman (Teacher Panellist) and Mr Peter Cooper (Teacher Panellist).

The Legal Adviser to the Panel was Mrs Luisa Gibbons of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Ms Kate Bex, Counsel of 2 Hare Court instructed by Nabarro Solicitors.

Mr Prouse was not present and was not represented.

The hearing took place in public and was recorded.

The published decision was redacted in February 2015 to protect the privacy of individuals other than the teacher.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 31 July 2014.

It was alleged that Mr Prouse was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed by X County Council and whilst working as a Music Tutor at Y Music Centre and/ or as the Orchestral Administrator for the Z Youth Orchestra (“ZYO”) and/ or as a Music Group Tutor:

1. Between July 2003 and August 2011, in relation to Miss A you:
 - a. Failed to maintain appropriate boundaries,
 - b. Engaged in an inappropriate relationship,
 - c. Kissed her on one or more occasions,
 - d. Engaged in sexual activity on one or more occasions,
 - e. Had sexual intercourse with her on one or more occasions;
2. On or around 9 October 2013, you send Miss A an inappropriate text message;
3. Between March 2006 and July 2012, in relation to Miss B you:
 - a. Failed to maintain appropriate boundaries,
 - b. Engaged in an inappropriate relationship,
 - c. Kissed her on one or more occasions,
 - d. Cuddled and/or hugged her on one or more occasions,
 - e. Had sexual intercourse with her on one or more occasions,
 - f. Whilst on a music tour in [redacted] with the ZYO:
 - i. Allowed her to enter your bedroom on one or more occasions,
 - ii. Allowed her to spend the night with you in your bedroom on one or more occasions,
 - iii. Had sexual intercourse with her on one or more occasions;
4. Your behaviour as set out at 1a, 1b, 1c, 1d, 1e, 3a, 3b, 3c, 3d, 3e and 3f above was an abuse of your position of trust;

5. Your behaviours as set out at 1c, 1d, 3c, 3d, 3e and 3f above was sexually motivated.
2. Mr Prouse denied both the facts of the allegation and denied being guilty of unacceptable professional conduct and/ or conduct that may bring the profession into disrepute.

C. Preliminary applications

The Panel considered whether this hearing should continue in the absence of the teacher.

The panel is satisfied that the College has complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012. The Presenting Officer has confirmed that Mr Prouse had requested that documents be served by email, and the Notice of Hearing has been served by that method. He clearly received the Notice of Hearing, having responded to it.

The Panel is also satisfied that the Notice of Proceedings contains the details required by paragraph 4.10 of the Procedures. The Presenting Officer confirmed that Mr Prouse had received all documents relied upon in accordance with paragraph 4.20 of the Procedures. The Panel were also told by the Presenting Officer that Mr Prouse had received a copy of the transcript of one witnesses video evidence more than 4 weeks prior to the hearing, and had had the opportunity to view the video evidence but had declined to do so.

In making its decision, the Panel has noted that the teacher may waive his right to participate in the hearing. The Panel understood that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. The Panel has had regard to the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place.

The Panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC 1. The teacher indicated in his Response to the Notice of Proceedings Form that he did not intend to appear at the hearing. He requested in an email of 19 October 2014, that no further evidence be sent to him, and provided a document with his response to the allegations which he stated would have been "what I would have offered verbally had I been there in person". That response states that he has not read all of the documents sent to him and indicates the degree to which Mr Prouse has engaged with this process. He concludes he has little respect for this process. The Panel considers that Mr Prouse has plainly waived his right to appear.

There is no indication that an adjournment would result in Mr Prouse attending the hearing. The Panel has had regard to the public interest and the interest of witnesses that a hearing should take place within a reasonable time. There are vulnerable witnesses in this case who are anticipating giving evidence. The Panel has had regard to

the seriousness of this case, and the potential consequences for Mr Prouse, but considers, in light of his waiver of his right to appear, that on balance these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

The Panel has determined to proceed with the hearing in the absence of Mr Prouse.

The Panel considered as a preliminary point whether the Panel had jurisdiction to consider the case.

The Notice of Hearing states that Mr Prouse was employed by X County Council and working as a Music Tutor at Y Music Centre and/ or as the orchestral Administrator for the Z Youth Orchestra (“ZYO”) and / or as a Music Group Tutor. Mr Prouse states that he left the teaching profession over twelve years ago, that he has no intention to return to any form of teaching. He states that the Y Music Centre was not a School. He states that, at the Z Youth Orchestra, he was an administrator, not a music tutor. The question for the Panel is whether he is now subject to the jurisdiction of the Secretary of State.

The issue for the Panel to determine was whether the phrase “is employed or engaged to carry on teaching work at a) a school in England; b) a sixth form college in England; c) relevant youth accommodation in England; d) a children’s home in England or e)...a 16 to 19 Academy” within section 141A and regulation 2 encompasses the situation in this case.

The Panel was advised that the legal meaning of an enactment is the meaning that corresponds to the legislator’s intention in passing the enactment. The Panel was advised to consider the words used in section 141A and regulation 2 in the context of the enactment as a whole, and the Panel’s attention was specifically drawn to section 141D which applies where an employer has ceased to use the services of a teacher or the teacher has ceased to provide those services.

The Panel was advised to consider whether it was of the view that the legal meaning of the phrase “is employed or engaged to carry on teaching work” was plain and unequivocal or ambiguous because there were alternative ways of interpreting the phrase.

The Panel was advised that if it considered the legal meaning of the phrase to be plain, then it would not need to interpret the phrase further.

However, if the Panel did consider the phrase to be ambiguous, then the Panel should consider what the intended legal meaning was, and that it should reach a balanced and common sense judgement. The Panel were directed to the following principles that it may wish to consider in determining this, including that the law should:

- serve the public interest;
- be just;
- be certain and predictable;

- be coherent and self-consistent.

The Panel was also told that it should be presumed that Parliament will have intended:

- for the provision to be given its literal meaning on an ordinary and natural interpretation;
- the provision to meet the legislative purpose and remedy the issue it was directed towards;
- the provision not to be interpreted in a way that produces an absurd, unworkable or impractical result;
- the provision not to be interpreted in a way that produces unjustifiable inconvenience in terms of unnecessary technicalities, inconvenience to business, taxpayers or legal proceedings;
- the provision not to be interpreted in a way that produces an anomaly;
- the provision not to be interpreted in a way that produces a futile, pointless or artificial result, including pointless legal proceedings.

The Panel's attention was drawn to a Professional Conduct Panel's decision in a previous case. In that case, the matters were alleged to have occurred during the 1980s, at the time the relevant person was teaching. The Panel came to consider the case in 2014, and the individual had not been engaged in teaching work since 1988, and was at the time in prison. In that case, the Professional Conduct Panel determined that it did have jurisdiction on the basis that:

- Parliament could not have intended only those currently teaching to be within the legislative regime;
- Someone who was not currently engaged in teaching, does not preclude them from returning to a teaching role in the future;
- To apply the regime only to someone who was currently teaching would introduce uncertainty as an individual could dip in and out of the jurisdiction;

The Panel were reminded that each case should turn on its own facts. The Panel should note that in that case, the teacher was engaged in teaching work at the time of the matters that gave rise to the allegations. In the present case, that is disputed by Mr Prouse.

The Panel were also advised that Regulation 3 defines teaching work as a) planning and preparing lessons and courses for pupils; b) delivering lessons to pupils; c) assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils. This is subject to the proviso that these activities are not teaching work if the person carrying out the activity does so subject to the direction and supervision of a qualified teacher or other person nominated by the head teacher to provide such direction and supervision.

The Panel has reviewed the legislative provision. It does not accept that the legal meaning of the provision in regulation 2 and s141A of the Act is plain. It noted the ambiguity as to the point of time at which the phrase "is employed or engaged relates". The Panel has therefore sought to achieve a balanced view and reach a common sense

judgement as to the legal meaning of the phrase. It recognises that the legal meaning is Parliament's intention.

Whilst the Panel recognises that normally it would be expected that the legal meaning would be the literal interpretation of the provision, it considers that such a meaning would not meet the legislative purpose and would give rise to absurdities, impracticalities and irrationalities. If the provision could only apply to teachers currently employed or engaged at the time of the proceedings, it would permit those with serious allegations against them to seek to escape the potential consequences of their alleged actions by resigning.

Furthermore, the Panel has had in mind that the fact that someone is not currently engaged in teaching, does not preclude them from returning to a teaching role in the future and that not being able to explore an allegation that has been made against an individual who is not currently teaching, would not be in the public interest. The Panel does not consider that this would have been Parliament's intention.

The Panel considers that Parliament would have intended the regime to operate in a manner that was both certain and practical. For this case to not be within the jurisdiction of the Secretary of State, would mean that there would have to be some definitive point at which someone would dip out of the jurisdiction, leading to uncertainties as to when that would be. The panel considered that by virtue of Mr Prouse's admission to having been employed in the capacity of a qualified teacher, albeit that was 12 years ago, on a common sense view, the regulatory regime applies to Mr Prouse, since he could return to teaching at any time, irrespective of his stated lack of desire to do so.

For the reason stated in the paragraph above, the Panel considered Mr Prouse falls within the jurisdiction of the NCTL by virtue of his previous employment as a qualified teacher, regardless of whether he was a teacher at the time of the alleged events. The Panel did not therefore need to consider whether Mr Prouse was a teacher at the time of some of the alleged facts, but had it needed to do so, it would have reached the view that he was.

The Panel noted that Ms A's police statement stated that Y Music Centre was based at [redacted] school. Mr Prouse refers to having been known by his first name to students at the Centre, "as were the other tutors". He goes on to state "I cannot recall when I actually began teaching at the centre, but I would suggest that I had been there for around 15 years when I left in the Summer of 2012". Given that there is evidence to suggest that Y Music Centre was based in a school, and working as a music tutor would have involved the activities set out in Regulation 3, without the supervision of a qualified teacher or other nominated person, the Panel was of the view that Mr Prouse would have been a teacher at that time under the definition in the Regulations. The Panel has not, at this stage, gone on to consider whether Ms A was a pupil at the relevant time.

The Panel were unable to reach a conclusion as to whether Mr Prouse was a teacher within the definition of the Regulations at the time he worked at ZYO, without any understanding of the setting at which the Orchestra was held. It was unnecessary for the Panel to reach a conclusion on this, as the Panel were already content that Mr Prouse was subject to the jurisdiction of the National College. The Panel were content to consider the allegations relating to the time he worked at ZYO as the Panel are able to consider allegations of misconduct and of bringing the profession into disrepute, regardless of whether such allegations took place in a school setting.

The Panel also considered an application by the Presenting Officer to amend allegation 2 to correct a typographical error in that “send” should read “sent”. She also requested that allegation 5 be amended to include paragraph 1e amongst the paragraphs that were alleged to have been sexually motivated. She explained that this was an omission and that it would make no difference to Mr Prouse’s understanding of the allegations since 1e contained an allegation of sexual intercourse having taken place and sexual motivation was inherent in such actions. The Panel acceded to both applications having been satisfied that neither amendment made any change to the nature of the allegations or made them more serious than before. The Panel was satisfied that neither amendment would cause any unfairness or prejudice to Mr Prouse.

D. Summary of evidence

Documents

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

Section 1: Chronology, Anonymised Pupil List and List of Key People

Pages 1 – 5

Section 2: Notice of Proceedings and Response

Pages 6 – 16

Section 3: National College for Teaching and Leadership Witness Statements

Pages 17 – 41

Section 4: National College for Teaching and Leadership Documents

Pages 42 -101

Section 5: Teacher Documents

Pages 102 - 114

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

In addition, the Panel agreed to accept the typed statement of Pupil A, on the basis that her handwritten statement was already contained in the Panel Bundle and this was not new evidence. The Panel also requested a viewing of the video evidence of Pupil A's police interview, together with the transcript of that evidence. The Panel were informed by the Presenting Officer that Mr Prouse had been provided with a copy of that transcript and had been asked if he wished to view the video evidence, but that he had not taken that opportunity. The Panel were also told that Mr Prouse had been informed by the National College that although it did not consider it necessary to rely on the video evidence or transcript, there was the possibility that the Panel may wish to view the video and receive a copy of the transcript. No objection was received from Mr Prouse in this regard. The Panel therefore decided it would accept into evidence, the video evidence of Pupil A, and the related transcript in order to be able to assess her credibility when providing her evidence to the police.

The transcript was paginated as pages 115 – 180 and the typed version of Pupil A's police statement was paginated as pages 181 – 184.

The Panel viewed the video evidence of Pupil A until the break in audio referred to on page 142 of the transcript, and then reached the view that it had watched a sufficient amount to assess her credibility, given that Pupil A would also be giving oral evidence to the Panel. The Panel read the entirety of the transcript of the video evidence..

Witnesses

The Panel heard oral evidence from Pupil A; Pupil B; the Director and Conductor of ZYO and Director and Chief Executive of [redacted] Academy for Music (AM); and the Head of [redacted] Music Education Hub. These witnesses were all called by the Presenting Officer

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 and all documents produced during the hearing.

Summary of Evidence

Mr Prouse is a qualified teacher. The General Teaching Council register records that he was a teacher at a junior school between 2003 and 2004. Mr Prouse approximates that he taught at Y Music Centre for a period of around 15 years, ending in the Summer of 2012. In 2008, Mr Prouse joined the ZYO as an Orchestral Manager, employed by X County Council. He also provided tuition to group sessions of an Academy of Music

(AM). Mr Prouse is also stated to have been a policeman, although the dates of his employment are unclear.

On a date between 4 and 17 August 2013, Miss B, a member of ZYO, disclosed that she had had a relationship with Mr Prouse. Miss A was informed by a family friend that Miss B had made this disclosure and she disclosed that she had also had a relationship with Mr Prouse. On 25 August 2013, Miss A reported the matter to the police and she provided a video interview on 26 August 2013 and a statement on 6 September 2013. Miss B prepared a written account of events that she provided to the police on 26 September 2013. She also provided a statement to the police, dated 5 October 2013.

Mr Prouse was suspended from his post at ZYO on 2 September 2013.

In mid September 2013, the Head of [redacted] Music Education Hub was asked to carry out an investigation on behalf of X County Council. Mr Prouse was interviewed on 23 October 2013 as part of the investigation. A report was prepared dated 29 October 2013.

Mr Prouse subsequently resigned from his position at ZYO and stopped his teaching with AM.

Findings of Fact

Our findings of fact are as follows:

The Panel first addressed its mind to the credibility of the witnesses in this case, since the findings of fact would hinge upon this issue.

With regard to Miss A, the Panel watched the first two hours of the video evidence Miss A gave to the police, read the entirety of the transcript of that interview, read her police statement and the statement she gave for these proceedings. In addition, the Panel had the benefit of having heard Miss A give oral evidence and be questioned about her evidence. The Panel considered that Miss A gave extremely detailed evidence as to what she stated had happened, which the Panel would not have expected had she been lying. The Panel thought her evidence was consistent. The Panel observed her reaction to matters set out in Mr Prouse's representations which she had not previously seen, and she became angry. Her reaction appeared to the Panel to be a genuine one. She came across as a highly credible, compelling and truthful witness.

The Panel also found Miss B to be a credible witness. The Panel read the account that Miss B prepared for the police, her police statement and the statement she gave for these proceedings. The Panel also questioned Miss B when she gave oral evidence. The account provided to the police was detailed, which indicated that it was an honest account. The Panel observed her reaction to matters set out in Mr Prouse's representations which she had not previously seen, and she became distressed and upset. Her reaction appeared to the Panel to be a genuine one. The Panel reached the view that she was also a highly credible, compelling and truthful witness.

The Panel gave consideration to whether Miss A and Miss B had colluded or whether they had, in any way, contaminated each other's evidence. However, both stated clearly to the Panel that they only met in October after both had provided statements to the police. When both Miss A and Miss B gave oral evidence, the Panel found their responses to questioning to be open and honest, and the Panel therefore had no reason to disbelieve their account that there had been no collusion or contamination of evidence.

The Panel also considered the Conductor and Director of ZYO to be an honest witness. In giving evidence regarding his observations about the interaction between Miss B and Mr Prouse during the tour to [redacted], he could have opened himself to criticism regarding the lack of immediate action taken. Nevertheless, he was prepared to provide the evidence and the Panel believed he did so honestly. This witness provides some independent corroboration for the physical relationship described by Miss B, albeit that he did not witness any sexual contact. Nevertheless, the Panel considered his account was consistent with Miss B's account, and weighed in favour of Miss B having provided a credible account.

In contrast, the Panel did not consider Mr Prouse's account provided in his representations to have been a credible one. During Mr Prouse's interview as part of the investigation conducted on behalf of X County Council (the "XCC Investigation"), Mr Prouse accepted having had a sexual relationship with Miss A and Miss B. The Panel heard evidence from the Investigator that Mr Prouse had been asked if he disagreed with any of the minutes taken of that interview and no response was received. In Mr Prouse's representations for this hearing, Mr Prouse has avoided answering directly whether any such sexual relationship took place. In his representations, he attacked the credibility of Miss A, Miss B and the Conductor and Director of ZYO. He does not appear to have grasped the position of responsibility he held in respect of Miss A and Miss B, and he appeared to the Panel to have been attempting to side-step his responsibilities. The Panel noted that Miss A, Miss B and the Conductor and Director of ZYO all appeared genuinely shocked when asked to read his representations and were vehement in their objections. Those reactions supported a view that Mr Prouse's account of events was not a credible one.

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

Whilst employed by X County Council and whilst working as a Music Tutor at Y Music Centre and/ or as the Orchestral Administrator for the Gloucestershire Youth Orchestra ("ZYO") and/ or as a Music Group Tutor.

In oral evidence, Miss A referred to having first met Mr Prouse in his capacity as a music tutor at Y Music Centre when she was aged around 7 or 8. She therefore recalled Mr Prouse having been a music tutor at Y Music Centre from around 1998 or 1999.

Mr Prouse, in his representations for this hearing stated that he “was known by my first name to the students, as were the other tutors”, and “I cannot recall when I actually began teaching at the centre but I would suggest that I had probably been there for around 15 years when I left in the summer of 2012”. This indicates that he is likely to have started working as a Music Tutor at Y Music Centre in around 1998 which tallies with Miss A’s recollection. Since he has confirmed he left in 2012, this indicates that he was a music tutor throughout the period referred to in Allegation 1.

The Director and Conductor of ZYO provided a witness statement stating that Mr Prouse joined ZYO as an Orchestral Manager in 2008 and he described this as being a mainly administrative role. In Mr Prouse’s representations, he has stated that the only position he held with the youth orchestra was as an administrator. The Panel considered that the term “Orchestral Administrator” broadly covered Mr Prouse’s duties.

The Panel has seen a letter suspending Mr Prouse from ZYO on 2 September 2013. In a transcript of an interview conducted as part of the investigation commissioned by X County Council on 23 October 2013, Mr Prouse indicated it was his intention to resign. This must mean that as at 23 October 2013, he had not yet resigned.

Therefore, the Panel considered that it was more probable than not that he was employed as an Orchestral Administrator from 2008 to October 2013, which covers the period referred to in Allegation 2, and the period referred to in Allegation 3, save for the years 2006 and 2007.

Miss B thought that she had perhaps been 12 or 13 when she first met Mr Prouse at a [redacted] event and that she had “always known him as one of the cool music teachers in [redacted]”. This is likely to have been around 2005 or 2006. He had not been appointed as Orchestral Administrator of ZYO at that point, but he was, on those dates, a Music Tutor at Y Music Centre. The Director and Conductor of ZYO stated that Mr Prouse had not been asked to tutor at AM at that point but he would have been seen at AM, and the children would have known him as a Music Tutor due to the position he held elsewhere. The Panel were therefore satisfied that Mr Prouse was a Music Tutor during the early period referred to in allegation 3 as well.

The Panel was satisfied that throughout the periods referred to in the allegations, Mr Prouse occupied one of the positions set out in the stem of the allegations. Therefore, to the extent that any of the following allegations are found proven, the stem is also found proven.

1 a Between July 2003 and August 2011, in relation to Miss A you failed to maintain appropriate boundaries,

At the Y Music Centre, Miss A described Mr Prouse as being very tactile and that he would hug the girls. She stated that she used to rush into his room to be the first person to be hugged, even if she had no reason to go into his room, as her orchestra was held in

the main hall. She described the hugs as being long, close hugs and that she used to get “special hugs”.

Miss A stated that she then started to have Music Theory lessons taught by Mr Prouse and he would pay her special attention. She described having gone to the shop before attending the music group, so that she could pick up a cake he liked, or to share sweets with him, following which he would invite her to bring a different item the next week. She stated he used to [redacted], singling her out from her friendship group.

She described this behaviour of paying her special attention and hugging her continued when she reached secondary school and the relationship developed as set out at allegation 1b below.

Mr Prouse accepted in his representations that occasional hugging of Miss A would have taken place openly, in front of her parents and other staff. He described the music world as seeming to involve an awful lot of hugging, and that it was part of the culture.

The Panel asked the Director and Conductor of ZYO whether he observed Mr Prouse hugging students. He confirmed he had observed Mr Prouse hugging a number of female students aged 16 upwards. He did not observe this behaviour with male students. He stated that it was not part of the culture to engage in hugging with students. He described rare occasions when a hug might be given in the orchestra environment, such as the Conductor embracing the orchestra leader at the end of a concert, or if a former student returned from University for a visit, or if one of the younger pupils had been hurt.

The Panel noted the evidence of the Director and Conductor of ZYO, that Music Tutors had to be very aware of how to teach at arm’s length, due to the informal and one-to-one nature of teaching music. The Panel considered that the behaviour described by Miss A, which the Panel found to be a credible account, did indicate that Mr Prouse had failed to maintain appropriate boundaries.

1b Between July 2003 and August 2011, in relation to Miss A you engaged in an inappropriate relationship,

Miss A described her relationship with Mr Prouse having changed when she got a mobile phone when she started secondary school. She described having received more messages from him than any of her friends received and that this indicated the relationship between them having intensified because they would be in contact every day.

[Redacted]. She described the hug when she arrived as being very warm, embracing, with no space between them, and that it lasted for a long time.

She stated that the relationship intensified, so Mr Prouse knew via the text messages what she was doing and who she was with. She stated that there were so many text

messages that she had to steal money from her parents to pay for her phone costs. She described being fearful that if she did not return his messages, other friends would take her place and get the attention he bestowed on her.

[Redacted].

Miss A described an incident when a boy had asked her out, and Mr Prouse told her that the boy didn't like her as much as he liked her, that he was just a boy, and that she shouldn't have a boyfriend. Miss A stated that this caused her to break up with the boy.

Miss A stated that Mr Prouse would come to orchestras as an extra, whether or not he was needed, and that they always positioned their chairs so that they could directly see each other.

Miss A stated that the week before her 16th birthday, Mr Prouse had asked her if it was inappropriate that he wanted to be with her, that he wanted to kiss her and that he wanted more than friendship. Miss A stated that she had replied that she had been thinking about that too, following which they hugged and held hands for the first time. On her birthday, he took her out for a pizza and after this, the text messages changed to telling her that he was thinking of her, asking what she was doing and what she was wearing. She described having to lie to every single person in her life, and that Mr Prouse would be controlling her, deterring her from going out with her friends. She stated that he also expressed preferences for her to wear a short skirt and fine tights for him, even if it made her feel uncomfortable.

[Redacted].

Mr Prouse also stated that Miss A had low self-esteem and that he had been trying to build her self-confidence. Miss A denied this, and stated that she had always been a confident person. The Conductor and Director of ZYO saw Miss A with Mr Prouse on occasions and stated that Miss A always struck him as being a very competent, efficient and responsible person. Mr Prouse's description of Miss A did not match the Panel's impression of her, although the Panel noted some time had passed since these teenage years. Since the Panel accepted Miss A was a credible witness, the Panel did not believe Mr Prouse's explanation on this matter.

The Panel considered that Miss A did remain a student, and the relationship progressed in its intensity throughout the time Miss A was at the Music Centre, which was inappropriate.

1c Between July 2003 and August 2011, in relation to Miss A you kissed her on one or more occasions,

Miss A stated that she delayed kissing Mr Prouse until around October 2007, which was around the time of his birthday, and that she didn't really want to kiss him, but felt that it

was expected. She stated that every time they met subsequently, there was more kissing.

The Panel considered Miss A's evidence to be credible and found this allegation proven.

1d Between July 2003 and August 2011, in relation to Miss A you engaged in sexual activity on one or more occasions,

Following the kiss, Miss A described in her video evidence, their physical relationship developing and that Mr Prouse would say that "this is the natural progression". She described over a period of months and months learning how to carry out sexual acts, and that every opportunity had been taken to engage in such activity.

The Panel considered Miss A's evidence to be credible and found this allegation proven.

1e Between July 2003 and August 2011, in relation to Miss A you had sexual intercourse with her on one or more occasions;

In her video evidence, Miss A described the first occasion they had sexual intercourse when he had booked a hotel room for them to stay in following a concert, in around February 2008. She described having not felt physically or emotionally ready, but that the following morning they had intercourse in the hotel room. She described their continuing sexual relationship in detail, including having had intercourse at her house, when he usually arrived in his police uniform, and one occasion having parked his police car on her driveway. She described this sexual relationship continued when she went to University and that when she returned home [redacted] they would meet up.

The Director and Conductor of ZYO provided a written statement that in September 2013, he had had some telephone calls with Mr Prouse in which Mr Prouse said that he had had proper relationships with Miss A and Miss B. The Director and Conductor of ZYO confirmed he understood that to mean sexual relationships. The Director and Conductor of ZYO then stated that he had met with Mr Prouse in September 2013, when Mr Prouse had again admitted the relationship with Miss A and Miss B. During an interview conducted with Mr Prouse as part of the Council investigation, Mr Prouse confirmed he had had a sexual relationship with Miss A and Miss B. The Investigator confirmed in oral evidence that Mr Prouse was given the opportunity to make amendments to the minutes of the interview, but did not reply.

The Panel considered Miss A's evidence to be credible, and that Mr Prouse's earlier admission of the sexual relationship weighed in favour of this allegation being found proven.

2 On or around 9 October 2013, you sent Miss A an inappropriate text message;

In Miss A's written statement, she gave evidence that she had received a text message from Mr Prouse on 9 October 2013, whilst she was at work. The Panel has a copy of the text message in the Panel Bundle. The message states "A message from two children that may be homeless very soon..."thank you". You must live with that. This is just a heads up, not some veiled threat, I will be coming for your career too. Of course, I shall only use the available law and the truth but I wanted you to know this. I will text no more." This message was received by Miss A after she had reported Mr Prouse to the police. As referred to above, the Panel found Miss A to be a highly credible witness. The Panel considered that it was more probable than not that Mr Prouse had sent the message given her recent disclosure to the police. The Panel considered it to have been inappropriate for Mr Prouse to have sent this message to Miss A.

3a Between March 2006 and July 2012, in relation to Miss B you failed to maintain appropriate boundaries,

In the account Miss B gave to the police, she stated her first memory of Mr Prouse was having known him as "one of the cool music teachers in [redacted]", and in particular, she could recall him at a [redacted] event when she was around 12 or 13. She stated that, looking back, he was always extra nice to her, and she felt privileged that he would give her a hug or speak to her.

She stated that from the age of 15, or 16, when Mr Prouse came to work as an Orchestral Administrator for ZYO, he would spend break times "socialising with us and having fun, and no-one thought it was weird when he gave us hugs/ piggybacks etc. On reflection I don't know why I didn't find it odd that he only ever hugged or mainly chatted with girls but it certainly didn't occur to me at the time that he may have had some ulterior motive – like I said this was Andy who everyone loved and trusted". She described that it now strikes her as odd, that she didn't notice the difference in her relationship with Mr Prouse compared to the professional relationship that she had with the other teachers. In oral evidence, she stated that it was when Mr Prouse joined ZYO that he began to notice her more and that he would pat her on the back and give her "special hugs".

In oral evidence, Miss B stated that, retrospectively, she realises now that her relationship with Mr Prouse was different to his relationship with other pupils although at the time it didn't occur to her that he was giving her extra attention.

Mr Prouse stated in his representations that he met Miss B during his employment as an administrator and therefore, there was no teacher/ student relationship.

However, in oral evidence Miss B also stated that from about the age of 13 or 14, Mr Prouse taught in her group situations and he was also a pastoral member of staff during summer residential courses that she attended. She also stated that when Mr Prouse

joined ZYO as an Orchestral administrator when she was aged around 15, he would sometimes teach during rehearsals as he was [redacted].

The Director and Conductor of ZYO stated in his written statement that he allowed Mr Prouse to teach the orchestra's [redacted] sections and that he acted as a teacher in the eyes of the students. He stated that he would have defined his role as a position of responsibility.

The Panel found both Miss B's evidence and the evidence of the Director and Conductor of ZYO credible that Mr Prouse had been in a position of teaching Miss B.

Mr Prouse's representations stated that occasional hugging had taken place with Miss A and that the "music world seems to involve an awful lot of hugging" which "was/ is still part of that culture". Mr Prouse has not referred to hugging of Miss B, but given that he did not consider there to have been anything inappropriate or unprofessional about hugging Miss A, the Panel considered that it is more probable than not that he would have engaged in similar hugging with Miss B.

The Panel considered that Mr Prouse had failed to maintain appropriate boundaries with Miss B. Since he was in a position of teaching Miss B, he should have known that it was inappropriate to hug her, and give her special attention. The Panel noted the evidence of the Director and Conductor of ZYO that great care had to be exercised in teaching music due to the one-to-one nature of the teaching, and that Mr Prouse should have been even more aware of keeping pupils at arm's length.

3b Between March 2006 and July 2012, in relation to Miss B you engaged in an inappropriate relationship,

In the account that Miss B provided to the police, she stated that on the day after her 18th birthday, [redacted] she and Mr Prouse had ended up kissing. She stated that she had been quite drunk and that Mr Prouse had said something about "what goes on tour stays on tour" which she took to be a reference that they could continue their relations on the ZYO tour.

She stated that when she next saw him at ZYO, she had explained to him that she was concerned about his position at ZYO but that he had told her that it was not a problem; that he was in charge, and a policeman, so he knew what he could get into trouble for and what he couldn't. She stated that he told her it would be better not to mention it to anyone.

Miss B stated that the next time they kissed was at a ZYO concert at [redacted]. She described that they next went on a date to the cinema and that before she got out of the car, they kissed. She stated that she asked him if that was OK, given his position at ZYO. She stated that he told her that she should not tell anyone, not even her family, or

he could lose his job. She stated that had not been quite what he had said before, but that Mr Prouse had reassured her it would be OK.

She stated that they continued to meet outside of ZYO, at AM, [redacted] Music Centre, in his car down country lanes, that they went for meals and walks on the Malverns. She stated that one day, he picked her up from school so that they could go for a walk. She stated that during ZYO concerts, he would always find a way for them to be together.

The Director and Conductor of ZYO stated in oral evidence that he had observed a number of occasions prior to the tour to [redacted] when he had seen Miss B getting in a car together with Mr Prouse, arriving at a rehearsal with Miss B and leaving with Miss B. He considered this strange, and that he felt uncomfortable with the situation.

Miss B stated that the relationship developed into a sexual relationship, and that he had told her "If you tell people now I could lose my job. No-one would believe you anyway".

She stated that the relationship continued when she went to University. She referred to him having blocked her on Facebook as he didn't like seeing her dressed up and having fun with her friends. She stated that she was always ringing him and that they spoke for an hour every day, with her racking up a £120 phone bill, as she felt she had to tell him everything she was doing. The Panel has seen some of the emails and Facebook messages exchanged between Mr Prouse and Miss B, and notes, that they refer to phrases such as "I love you", which is evidence that a relationship was taking place.

Miss B referred to concealing the relationship from her parents, and initially only giving limited information to her friends, to explain why she was not looking for anyone else. She described a pattern of controlling behaviour, which affected what Miss B wore when she went out, comparing her to other girls, and told her that he had had intercourse with Miss A. When she told a friend about him, she stated that Mr Prouse's reaction was that he "goes mad.... But you can't tell your parents. I could still get in trouble with [the Director and Conductor of ZYO]". She states that they got back together again and by the summer of 2012, they had talked about the future, marriage and children and that she trusted that he wanted to be with her.

Miss B, then stated that in December 2012, she began to believe Mr Prouse had been seeing Miss A at the same time as seeing Miss B, so she stopped the relationship. She states that later, she met him for coffee and they kissed. She described further occasions when they met again. The relationship came to an end and she decided to tell the Director and Conductor of ZYO about what had happened.

The Panel considered that the account Miss B gave to the police was credible.

The Panel noted that Miss B was quite clear in her oral evidence that she would never have had a sexual relationship with Mr Prouse had she not known him for so many years. She stated that she wouldn't otherwise have been attracted to him but for the trust she

had in him, and the way she looked up to him. She stated that with hindsight, it was not a relationship of equals.

The Panel noted that Mr Prouse had referred to Miss B having been over the age of 18, and an adult at the time of what had allegedly taken place.

The Panel reached the view that it was more probable than not, that Miss B and Mr Prouse had engaged in a relationship that commenced in a physical way in March 2011, whilst Miss B was still a student being taught by Mr Prouse at AM and ZYO, and still at school, even if she had reached the age of 18. This relationship continued after she left AM and ZYO, whilst she was at University. Since it built upon a relationship that had commenced when Mr Prouse had been in a position of trust towards Miss B, the Panel considered that it was an inappropriate relationship notwithstanding that Miss B had reached the age of 18 when the relationship became a physical one. The Panel noted Mr Prouse's desire to keep the relationship secret, out of fear of losing his job, and the Panel considered this to be a recognition by Mr Prouse that the relationship was inappropriate.

3c Between March 2006 and July 2012, in relation to Miss B you kissed her on one or more occasions,

As referred to above, Miss B described in the account she gave to the police a number of occasions on which Mr Prouse kissed her. These included the day after her 18th birthday, at a ZYO concert, when they went to the cinema, when she picked him up from [redacted] court. Given that the Panel found Miss B's evidence to be credible, the Panel found this allegation proven.

3d Between March 2006 and July 2012, in relation to Miss B you cuddled and/ or hugged her on one or more occasions,

As referred to above, Miss B referred to a number of occasions when Mr Prouse would give her a hug, going back to when she was 12/13 and during break times socialising with her and her friends at ZYO. Since Miss B and Mr Prouse went on to have a relationship, the Panel found it more probable than not that cuddling/ hugging would have been part of that relationship. Given the Panel found Miss B's evidence to be credible, the Panel found this allegation proven.

3e Between March 2006 and July 2012, in relation to Miss B you had sexual intercourse with her on one or more occasions,

In Miss B's account she provided to the police, she described having intercourse in one of the rooms at [redacted] music centre after everyone had gone home. She referred to the way she sometimes felt after having had intercourse with him. She also referred to weekend trips away.

The Director and Conductor of ZYO provided a written statement that in September 2013, he had had some telephone calls with Mr Prouse in which he said that he had had proper relationships with Miss A and Miss B. The Director and Conductor of ZYO stated that he understood this to mean sexual relationships. The Director and Conductor of ZYO then stated that he had met with Mr Prouse in September 2013, when Mr Prouse had admitted the relationship with Miss A and Miss B. During an interview conducted with Mr Prouse as part of the Council investigation, Mr Prouse confirmed he had had a sexual relationship with Miss A and Miss B. The Investigator confirmed in oral evidence that Mr Prouse was given the opportunity to make amendments to the minutes of the interview, but did not reply.

The Panel considered Miss B's evidence to be credible, and that Mr Prouse's earlier admission of the sexual relationship weighed in favour of this allegation being found proven.

3f i Between March 2006 and July 2012, in relation to Miss B you whilst on a music tour in [redacted] with the ZYO allowed her to enter your bedroom on one or more occasions,

In the account that Miss B gave to the police, she stated that she ended up spending every night in Mr Prouse's room and that he had arranged the rooms so that hers was opposite his.

The Director and Conductor of ZYO stated in his written statement that during a tour to [redacted], he considered Mr Prouse's actions to have been inappropriate with regard to Miss B. He stated that he would "often disappear at the same time as Miss B. There was too much physical contact. Miss B and Mr Prouse would brush hands and hug each other regularly". He described that on one occasion, [redacted].

Mr Prouse explained in his representations that Miss B had spent much of the tour following him around and that he had tried to discourage it; that he did not allocate rooms and that she entered his room uninvited which has put him in an awkward situation.

The Panel observed the upset and distress Miss B demonstrated when Mr Prouse's explanation was put to her, and believed her reaction to be a genuine one. She referred to his explanation as absurd and stated that Mr Prouse had helped her sneak into his room through a window, and even when someone had knocked on the door, he had told her to stay. She stated that he was lying, and that she was hurt by his remarks. She stated that she did not think Mr Prouse realised the power he had over her.

In oral evidence, the Director and Conductor of ZYO stated that Miss B did appear to have been enamoured by Mr Prouse but that it was obvious that the feeling was reciprocated by Mr Prouse. He stated that had Mr Prouse been concerned by Miss B's attention, he should have signposted the issue to nip it in the bud, but he did not.

The Panel considered that the account of the Director and Conductor of ZYO was consistent with there having been a relationship between Mr Prouse and Miss B, even though he did not witness any sexual contact. The Panel considered Miss B's evidence to be credible and found this allegation proven.

3fii Between March 2006 and July 2012, in relation to Miss B you whilst on a music tour to [redacted] with the ZYO allowed her to spend the night with you in your bedroom on one or more occasions,

As referred to above, Miss B gave evidence that she ended up spending every night in Mr Prouse's bedroom. For the reasons stated at 3f i above, the Panel found her evidence credible and found this allegation proven.

3fiii Between March 2006 and July 2012, in relation to Miss B you whilst on a music tour to [redacted] with the ZYO had sexual intercourse with her on one or more occasions,

She described having gone on a tour when she stated that she spent every night in Mr Prouse's room and that they snuck off one time during the daytime when they had intercourse. For the reasons stated at 3f i above, the Panel found her evidence credible and found this allegation proven.

4 Your behaviour as set out at 1a, 1b, 1c, 1d, 1e, 3a, 3b, 3c, 3d, 3e and 3f was an abuse of your position of trust,

The Panel considered that both the relationships with Miss A and Miss B (as set out at allegations 1a, 1b, 1c, 1d, 1e, 3a, 3b, 3c, 3d, 3e and 3f) were an abuse of Mr Prouse's position of trust.

[Redacted].

The Panel considered that Miss A did remain a student, and the relationship progressed in its intensity throughout the time Miss B was at the Music Centre, which was inappropriate.

The Panel reached the view that it was more probable than not, that Miss B and Mr Prouse had engaged in a relationship that commenced in a physical way in March 2011, whilst Miss B was still a student being taught by Mr Prouse at AM and ZYO, and still at school even if she had reached the age of 18.

When both Miss A and Miss B left the Music Centre and ZYO/ AM respectively, and went to University, the relationships continued. The Panel noted that Miss B was quite clear in her oral evidence that she would never have had a sexual relationship with Mr Prouse had she not known him for so many years. She stated that she wouldn't otherwise have

been attracted to him, but for the trust she had in him, and the way she looked up to him. She stated that with hindsight, it was not a relationship of equals.

Likewise, Miss A stated “I strongly believe that if I had met him when I was 16, the relationship would not have happened. I would not have found him attractive and instead, I would have found him weird. I think the only reason the relationship happened was because I had known him from a young age and been enticed into the relationship by him”.

The parents of Miss A and Miss B entrusted their children to Mr Prouse, in the belief that he would teach them music. Miss A and Miss B developed their trust in him, which was endorsed by not only his position as a teacher, but in his position as a police officer. The Panel considered that since those relationships built upon a foundation that had commenced when Mr Prouse had been in a position of trust towards Miss A and Miss B, the Panel considered that Mr Prouse continued to breach his position of trust.

5 Your behaviour as set out at 1c, 1d, 1e, 3c, 3d, 3e and 3f was sexually motivated.

The Panel considered that the behaviours set out at 1c, 1d, 1e, 3c, 3e and 3f was sexually motivated.

With regard to Miss B, she described kissing Mr Prouse, and he having told her “it feels so right. I’ve wanted to do this for a long time”, indicating that he had had the intention of embarking on the relationship. When Mr Prouse and Miss A first kissed, she described him having said to her “Do you not think I deserve a kiss now”. The kissing was the precursor to the sexual relationship, and the Panel considered it was sexually motivated.

The hugging of Miss B was part of the progression towards a sexual relationship and at some stage it became sexually motivated.

The Panel considered that the sexual activity with Miss A, sexual intercourse with Miss A and Miss B were all sexually motivated. Having involved sexual activity, Mr Prouse’s motivation would have been a sexual one. The Panel had regard to the planning Mr Prouse had engaged in, in booking a hotel room for the first occasion he had intercourse with Miss A. With respect to the matters that occurred in [redacted], allowing Miss B to enter Mr Prouse’s bedroom, in the context of there having been a sexual relationship, made it more likely than not that his motivation was a sexual one.

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

In considering the allegations that the Panel has found proven, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘Guidance’.

The Panel is satisfied that the conduct of Mr Prouse in relation to the facts found proven, involved breaches of the Teachers' Standards. The Panel considers that by reference to Part Two, Mr Prouse 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;

Mr Prouse disputed having received training in safeguarding whilst involved in the musical groups. However, the Panel considered that since he had taught as a qualified teacher in a primary school, he would have received safeguarding training in that capacity, which he should have continued to apply. The Panel noted the emphasis the Director and Conductor of ZYO placed on maintaining appropriate boundaries given the informal atmosphere in which music is taught.

The Panel is satisfied that the conduct of Mr Prouse fell significantly short of the standards expected of the profession.

The Panel has also considered whether Mr Prouse's conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the Guidance. The Panel found that there were behaviours associated with sexual activity albeit that no offence had been committed. The Guidance indicates that where behaviours associated with such an offence exist, a Panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The Panel notes that the allegations, to some extent, took place outside of the education setting, during extracurricular music activities and whilst Miss A and B were at University. However, Mr Prouse's conduct affects the way he fulfils his teaching role since the relationships he formed built upon the position of trust he held whilst he was teaching them.

Accordingly, the Panel is satisfied that Mr Prouse is guilty of unacceptable professional conduct.

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

The 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.

The Panel therefore find that Mr Prouse's actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of unacceptable professional conduct/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 Teacher Misconduct – Prohibition of Teachers Advice and having done so has found all 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.

There is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with Miss A and Miss B in breach of the trust placed in him. The blurring of boundaries and the inappropriate relationships began when Miss A and Miss B, in Miss B's case from the age of 13, and in Miss A's case from the age of at least the age of 12. In Miss A's case, this prevented her from experiencing normal relationships with boys in her peer group.

Similarly, the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Prouse were not treated with the utmost seriousness when regulating the conduct of the profession. It would be wrong for parents to be reluctant for their children to learn music if they learned of what had happened and thought that nothing had been done to prohibit Mr Prouse.

The Panel considered that there was a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Prouse was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the Panel considered carefully whether or not it would be proportionate to impose a Prohibition Order taking into account the effect that this would have on Mr Prouse.

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 Prouse. The Panel took further account of the Guidance, 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
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk
- a deep-seated attitude that leads to harmful behaviour
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- 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. In light of the Panel's findings, there was no evidence that Mr Prouse's actions were not deliberate, and indeed, the Panel found him to have acted with sexual motivation. The secrecy imposed by Mr Prouse indicated that he was aware of the potential consequences of his actions, but that he went ahead anyway. There was no evidence to suggest that the teacher was acting under duress. The Panel accepted that Mr Prouse has a previously good history and the Panel noted that the Director and Conductor of ZYO had previously thought Mr Prouse was a very good teacher, that he was effective at getting pupils through their exams and was engaging with parents.

However, the Panel considered that Mr Prouse has not shown insight. He has failed to recognise the position of trust he was in, and has attempted to shift the blame to Miss A, Miss B and has attempted to damage both their credibility and the credibility of the Director and Conductor of ZYO. He has not accepted any responsibility for his actions.

The Panel is of the view that Prohibition is both proportionate and appropriate. It has decided that the public interest considerations outweigh the interests of Mr Prouse. The significant breach of the trust placed in him to look after young teenage pupils 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 the Teacher Misconduct – Prohibition of Teachers Advice advises that a Prohibition Order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Teacher Misconduct – Prohibition of Teachers Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours include serious sexual misconduct, eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The Panel has found that Mr Prouse used his position to develop a sexual relationship with both Miss A and Miss B. He has failed to demonstrate an understanding of the consequences of his actions, or any understanding of why what he did was wrong.

The Panel felt the findings indicated a situation in which a review period would not be appropriate and as such 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 recommendations of the panel both in respect of sanction and review.

This case is a very serious one and involves a very serious breach of the trust that should be expected between a teacher and a pupil. The detailed evidence is set out in the summary provided by the panel. This case involves serious sexual misconduct accompanied by other very serious behaviours.

I have given careful consideration to the need to weigh the public interest with the interests of Mr Prouse. I have also given careful consideration to the need to be proportionate. Taking those matters into account I accept the recommendation of the panel that Mr Prouse should be prohibited from teaching.

I have also given careful consideration to the matter of review. Once again the panel has set out very clearly its findings in this area. Mr Prouse has shown no remorse or insight. Indeed he has sought to blame others for his behaviour. I have again given careful consideration to the need to be proportionate and to the need to balance the public interest and the interests of Mr Prouse.

I support the recommendation of the panel that there should be no review period.

This means that Mr Andrew Prouse 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 Andrew Prouse 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 Andrew Prouse 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.

NAME OF DECISION MAKER: Alan Meyrick

Date: 1 December 2014

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