



National College for
Teaching & Leadership

Mr Stephen Richard Fretwell: Professional conduct panel outcome

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

March 2017

Contents

Contents	2
A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	6
Documents	6
Witnesses	6
E. Decision and reasons	6
Findings of fact	8
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	11
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	15

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

Teacher: Mr Stephen Fretwell

Teacher ref number: 7646301

Teacher date of birth: 16 October 1957

NCTL case reference: 15097

Date of determination: 7 March 2017

Former employer: Norfolk County Council, East England

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 6 to 7 March 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Stephen Fretwell.

The panel members were Mr Keith Jackson-Horner (teacher panellist – in the Chair), Mr Kevin Robertshaw (lay panellist) and Ms Gill Goodswen (former teacher panellist).

The legal adviser to the panel was Mr Guy Micklewright of Blake Morgan LLP solicitors.

The presenting officer for the National College was Ms Sarah Przybylska of Counsel, instructed by Nabarro LLP solicitors.

Mr Stephen Fretwell was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 7 November 2016.

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

Whilst working as a teacher he failed to maintain professional boundaries and/or appropriate professional standards when:

1. In relation to Witness A (date of birth 4 December 1969):
 - a. in or around 1984, when Witness A was aged approximately 14 years, he:
 - i. kissed her,
 - ii. touched her sexually over her clothing,
 - iii. touched her sexually under her clothing,
 - iv. orally penetrated her with his penis,
 - v. vaginally penetrated her with his penis;
 - b. in or around 1985, when Witness A was aged approximately 15 years, he:
 - i. vaginally penetrated her with his penis,
 - ii. took photographs of Witness A naked,
 - iii. took photographs of Witness A masturbating herself;
 - c. between 1986 and 1989, when Witness A was aged approximately 16 to 19, you:
 - i. vaginally penetrated her with his penis,
 - ii. encouraged Witness A to urinate on you,
 - iii. encouraged Witness A to defecate on you,
 - iv. videoed sexual activity between you and Witness A;

2. On or before 18 November 2013, you used his iPad to search for indecent images of children, including viewing: [redacted];
3. His actions set out above at allegations 1 and 2 were sexually motivated.

In his witness statement Mr Fretwell has admitted allegation 1.c.i. and, on a qualified basis, 2.

No admissions were made in respect of unacceptable conduct or conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Mr Fretwell. The panel were satisfied that the Notice of Proceedings had been properly served in accordance with the requirements of the Disciplinary Procedures.

The panel received documents which included correspondence from Mr Fretwell's union representatives to the NCTL's solicitors, confirming that Mr Fretwell would neither be attending nor represented. In addition, the panel received a letter from Mr Fretwell's GP attesting to his current state of health. The panel noted that no request had been made for an adjournment. The panel considered that Mr Fretwell has voluntarily waived his right to both attend and be represented.

The panel therefore determined to proceed in the absence of Mr Fretwell.

The panel next considered an application by the presenting officer to amend paragraph 2 of the allegation. The presenting officer sought to amend allegation 2 to read:

"On or before 18 November 2013, you used your iPad to search for indecent images of children, including viewing: [redacted]"

The panel was satisfied that it was in the interests of justice to allow the amendment. It considered that the proposed drafting did not seek to plead a different case to that particularised in the Notice of Proceedings; rather, it better particularises what has clearly always been the NCTL's case. The amendment particularises an allegation that Mr Fretwell was using his iPad to search for indecent images of children, an allegation which Mr Fretwell has expressly responded to in his witness statement. The panel considered, therefore, that there was no prejudice to Mr Fretwell in permitting the amendment to the allegation.

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 3

Section 2: Notice of Proceedings and Response – pages 5 to 11b

Section 3: NCTL witness statements – pages 13 to 31

Section 4: NCTL documents – pages 33 to 215b

Section 5: Teacher documents – pages 217 to 275

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

Witnesses

The panel heard oral evidence from:

Witness A, a former pupil

Witness B, the mother of Witness A

Witness C, a former teacher

Witness D, investigating police officer

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.

Mr Fretwell is currently retired. For some years prior to his retirement, he was working as a supply teacher.

The allegations relate to sexual behaviour with Witness A when she was 14, 15, and then 16 to 19 years old, and to evidence that Mr Fretwell was searching for indecent images of children on his iPad. Both sets of allegations are said to be sexually motivated.

Witness A was born in 1969. Between 1979 and 1983 she attended the school where Mr Fretwell's wife, Individual A, taught physical education. Mr Fretwell himself, was teaching at a different school. In 1983, Witness A became involved with Individual A's hockey club and became close to both Mr Fretwell and Individual A. Mr Fretwell began to give her lifts home from the hockey club.

The NCTL's case is that Mr Fretwell used the opportunity of being alone in the car with Witness A to kiss her, which then progressed to touching her over her clothes, touching her under her clothes, and finally oral sex. She was 14 years old at the time. It is further said that in or around November 1984 he took her to his house whilst his wife was out and had sexual intercourse with her in his bedroom. These matters constitute allegation 1.a.

It is alleged that Mr Fretwell continued to have sexual intercourse with Witness A the following year, when she was 15. He began to take photographs of her naked at that time, in various costumes, and masturbating. These matters constitute allegation 1.b.

The conduct continued after Witness A's sixteenth birthday. He continued to have sexual intercourse with her. Mr Fretwell accepts that he did have intercourse with Witness A after she was sixteen but not before. The NCTL allege that he encouraged her to urinate and defecate on him, as well as video sexual activity between them. These matters constitute Allegation 1.c.

When she was 19 years old, Witness A came to the conclusion that it was wrong to be having a relationship with a married man and she ended her contact with Mr Fretwell.

It was not until she received safeguarding training whilst working as a learning mentor in a school that she began to consider that she had been groomed by Mr Fretwell. In 2010 she decided to contact Mr Fretwell via Facebook. She says that this is because she wanted to reassure herself that it had been a real relationship and that he had not been grooming her. Witness A was initially reassured by the conversations she had with Mr Fretwell, in which they reminisced about the time they had spent together, but then she became concerned that he was still forming close relationships with former pupils.

In 2011 she contacted the Samaritans and told them some of what had happened.

In 2013 she contacted Coventry Rape and Sexual Abuse Centre and had counselling with Individual B. Witness A told Individual B that she had been groomed and sexually abused by Mr Fretwell since the age of 13 or 14. The police then became involved and interviewed Witness A as a witness.

Mr Fretwell's house was searched in November 2013 and a laptop computer and iPad were seized. On the iPad, for which he had an 'Apple ID', were cookies relating to websites as listed in allegation 2, among others. That, it is said, showed that he had been searching for indecent images of children. When interviewed he admitted visiting these websites but said that he had done so in an attempt to prove to his wife that one cannot

access child pornography online. Mr Fretwell was charged with sexual offences relating to Witness A but found not guilty at the criminal trial. These offences would have been dependent on proof to the criminal standard that the conduct took place before Witness A's sixteenth birthday.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

Whilst working as a teacher you failed to maintain professional boundaries and/or appropriate professional standards when:

- 1. In relation to Witness A (date of birth 4 December 1969):**
 - a. in or around 1984, when Witness A was aged approximately 14 years, you:**
 - i. kissed her,**
 - ii. touched her sexually over her clothing,**
 - iii. touched her sexually under her clothing,**
 - iv. orally penetrated her with your penis,**
 - v. vaginally penetrated her with your penis;**
 - b. in or around 1985, when Witness A was aged approximately 15 years, you:**
 - i. vaginally penetrated her with your penis,**
 - ii. took photographs of Witness A naked,**
 - iii. took photographs of Witness A masturbating herself;**
 - c. between 1986 and 1989, when Witness A was aged approximately 16 to 19, you:**
 - i. vaginally penetrated her with your penis,**
 - ii. encouraged Witness A to urinate on you,**
 - iv. videoed sexual activity between you and Witness A;**

The panel considered that all of the particulars of the allegation constitute a breach of professional standards and professional boundaries. Witness A, although not a pupil of Mr Fretwell's, was a young person of school age. Mr Fretwell was a teacher and teachers are authority figures in whom young people feel able to place their trust.

The panel considered that the key issue in respect of allegation 1 is whether the account of Witness A is reliable with regards to its salient aspects. Insofar as the conduct which constitutes the allegations is concerned, save for the fact that vaginal sex took place after Witness A's sixteenth birthday, Mr Fretwell's account is almost wholly at odds with that of Witness A.

The panel considered Witness A to be an honest and credible witness. It was satisfied that she was doing her best to give an accurate recollection of events, without embellishment. The detail of her evidence bore the hallmark of truth. It did not consider that she was motivated by revenge, as has been suggested by Mr Fretwell, nor that she had fabricated any or all of her evidence in conjunction with Witness B. The panel felt unable to give full weight to Mr Fretwell's evidence. It did not have the benefit of seeing Mr Fretwell's evidence tested under cross-examination or of asking Mr Fretwell questions itself in a case where its assessment of the credibility of both Witness A's and his accounts is central. Where the evidence of Witness A and Mr Fretwell differed, the panel preferred the evidence of Witness A.

The panel accepted Witness A's evidence that, at the material time, she was a vulnerable teenager who considered Mr Fretwell to be her only friend. She was in a position where she was entirely vulnerable to being taken advantage of. Witness B trusted Mr Fretwell in permitting him to give lifts to her daughter and, in doing so, inadvertently provided him with the means and opportunity to take advantage of Witness A.

The panel accepted Witness A's evidence that, on occasion, she would be smuggled into Mr Fretwell's house in the boot of his car. Mr Fretwell denies this. However, Witness C corroborates this evidence, stating that Mr Fretwell had told him he used to do this. In the panel's view, there is no motivation for Witness C to lie about this. It considered Witness C to be an honest witness, who was doing his best to assist the panel, even though his recollection was at times, understandably, hazy as to certain peripheral matters. The motivation for Mr Fretwell to smuggle Witness A into his house was plain. He no doubt feared that comment might be passed if Witness A was seen coming and going to his house whilst his wife was out.

The panel noted in respect of allegation 1.c.iv. that, when interviewed under caution by the police, Mr Fretwell admitted that he had videoed Witness A and himself carrying out sexual activity. Given that Witness A was over 16 at the time of the videoing and given that Mr Fretwell was at that time being investigated for offences relating to sexual activity with Witness A when she was under 16, it is entirely unsurprising that he was happy to make that admission in interview. In the context of these proceedings he now seeks to deny that any videos were ever made. The panel considers that when questioned in

interview by police that he told the truth because, at the time, there was nothing to be gained by lying. In the panel's view, this significant inconsistency exemplifies the unreliable nature of the evidence contained in Mr Fretwell's statement.

2. On or before 18 November 2013, you used your iPad to search for indecent images of children, including viewing:[redacted];

Mr Fretwell in his statement admits this allegation. He accepts that he did search for indecent images of children and that he did click on a number of the websites that came up. The NCTL relied upon the witness statement of Individual C, a forensic investigator for West Mercia Police, who had carried out a forensic examination of Mr Fretwell's iPad and recovered 'cookies' in respect of the particularised websites. The panel accepted that 'cookies' would have been created when the iPad user accessed the websites, as Mr Fretwell accepted he had done.

Accordingly, the panel finds the allegation proved.

3. Your actions set out above at allegations 1...were sexually motivated.

The panel considered that the allegations particularised in paragraph 1 were, on any view, inherently sexually motivated and, accordingly, finds the allegation proved in relation to particular 1.

The panel has found the following particulars of the allegations against you not proven, for these reasons:

3. Your actions set out above at allegations...2 were sexually motivated.

Mr Fretwell asserts that he accessed the websites in question for the purposes of "research", in an effort to demonstrate that one cannot access child pornography online. He says that he did this one evening in order to prove his contention to his wife. The panel accepted that, if Mr Fretwell did only view these websites for the research purpose he identifies, then it could not be properly said that his motivation was sexual. The issue for the panel, therefore, was whether the NCTL has discharged the burden of proving, on the balance of probabilities, that this account is untrue and that the real motivation behind Mr Fretwell viewing these websites was a sexual one.

The panel did not consider it inherently improbable that a teacher would, misguidedly, make internet searches to see if indecent images of children were accessible on the internet. Whilst it took account of the fact that Mr Fretwell had not given oral evidence on the issue and that his wife's statement did not address the issue at all, it did not consider that those aspects of the evidence, without more, were sufficient to discharge the burden of proof. The panel considered that there was not sufficiently cogent evidence before it to satisfy it that the Mr Fretwell's motives were sexual in viewing these sites. In particular, the forensic evidence before it was limited only to evidence that Mr Fretwell had accessed these sites. There was no evidence placed before the panel as to what times

and dates those sites had been accessed and for what period of time. That would have assisted the panel in more properly assessing whether Mr Fretwell's account, in relation to those websites he accepts he did access, is consistent with the manner in which the sites had been accessed.

Accordingly, the panel finds the allegation, insofar as it relates to particular 2, not proved.

Whilst working as a teacher you failed to maintain professional boundaries and/or appropriate professional standards when:

1. In relation to Witness A (date of birth 4 December 1969):

c. between 1986 and 1989, when Witness A was aged approximately 16 to 19; you:

iii. encouraged Witness A to defecate on you

The panel is not satisfied that this allegation is proved. Witness A was explicit and sure in her evidence that Mr Fretwell asked her to defecate into a bowl whilst he watched but at no point to defecate on him. Accordingly, the panel finds this allegation not proved.

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

Having found a number 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 Fretwell in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Fretwell 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;
 - showing tolerance of and respect for the rights of others;

The panel is satisfied that the conduct of Mr Fretwell fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Fretwell's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel has found that the offences of sexual activity and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one off incidents, is relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel notes that all of the proven allegations took place outside of the education setting. In respect of allegation 1, the panel is clear that Mr Fretwell's status as a teacher affected how he was viewed by both Witness A and Witness B, and the trust which both of them placed in him. The conduct which the panel has found Mr Fretwell guilty of strikes to the very heart of that relationship. Whilst Witness A was not a direct pupil of Mr Fretwell's, the sexual activity was clearly damaging to her.

In respect of allegation 2, the panel considers that it is wholly unacceptable for a teacher to seek to access child pornography on a home device, even where their conduct is not sexually motivated. Teachers should be more aware than most of the relationship between child pornography and the exploitation and abuse of children and the unacceptability of viewing, or attempting to view, such images.

Accordingly, the panel is satisfied that Mr Fretwell 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 has found significant breaches of the Teachers' Standards and that Mr Fretwell's conduct displayed behaviours associated with a number of sexual offences, as set out above. Taking advantage of a vulnerable, young teenager in the manner in which Mr Fretwell did is a gross departure from the trust that the public place in teachers and its expectations of them. Similarly, viewing or attempting to view child pornography would be viewed extremely seriously by any informed and right-thinking citizen.

Accordingly, having found the facts of allegations 1.a., 1.b., 1.c.i, 1.c.ii, 1.c.iv., 2, and 3 (insofar as it relates to allegation 1) proved, the panel further finds that Mr Fretwell's

conduct amounts to both unacceptable professional conduct and 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, 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.

In light of the panel's findings against Mr Fretwell, which involved serious sexual misconduct, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children and of searching for indecent images of children.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Fretwell were not treated with the appropriate degree of seriousness when regulating the conduct of the profession.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Fretwell 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 Fretwell.

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 Fretwell. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- 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 of trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. 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;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

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

There was no evidence that the teacher's actions were not deliberate.

There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be calculated and pre-meditated.

The teacher did have a previously good history and the panel accepts that there is no evidence of repetition of breaching professional boundaries since the relationship with Witness A ended, and no repetition of his attempt to access indecent images of children. However, the searching for indecent images of children took place much more recently than the relationship with Witness A. The panel has had regard to the various testimonials which have been placed before it, which portray Mr Fretwell as a competent and professional teacher. It has had regard to the fact that a prohibition order would preclude him from returning to earning a living by teaching, although it is conscious of the fact that he has already decided to retire from teaching. However, the panel also took note of the fact that it has not had the benefit of any expression of remorse or insight from Mr Fretwell in respect of any of this conduct, save for his description of his sexual activity with Witness A when she was over 16 as "regretful".

The panel is of the view that prohibition is both proportionate and appropriate. The fact that the panel has decided that the public interest considerations outweigh the interests of Mr Fretwell was a significant factor in forming that opinion. Mr Fretwell's conduct falls significantly short of the standards expected of a teacher and has the potential to bring the profession into disrepute. 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 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. The panel has found that Mr Fretwell has been responsible for a long and repeated period of sexual misconduct. The panel has found that the effect of his conduct towards Witness A has caused her significant distress and harm. The panel considers that Mr Fretwell lacks any real insight into his conduct and why it is unacceptable, and such remorse as he had indicated is very limited indeed. There was no evidence before the panel to satisfy it that Mr Fretwell will develop that insight in the future.

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 made to me by the panel in respect of both sanction and review period.

In reaching my decision on this case I have taken into account the advice that is published by the Secretary of State on the prohibition of teachers.

In this particular case I have noted that the panel did not find all of the allegations or all parts of all of the allegations proven. Where that is the case I have made sure that I have put from my mind those allegations or elements of allegations that have not been found proved.

In this case the panel has found that the conduct of Mr Fretwell in relation to the facts found proven, involved breaches of the Teachers' Standards. By reference to Part Two of the advice, Mr Fretwell 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;
- showing tolerance of and respect for the rights of others;

In addition in this case the panel has found that Mr Fretwell's conduct displayed behaviours associated with some of the offences listed on pages 8 and 9 of the Advice.

The panel has found in the case of Mr Fretwell that the offences of sexual activity and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one off incidents, is relevant.

Having found these matters the panel has gone on to consider that the following behaviours are relevant in this case:

- 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 of trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. 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;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

I have weighed the public interest considerations in this case and the interest of the teacher. In particular I have taken into account the fact that in some cases a finding of unacceptable professional conduct may of itself be a sufficient and proportionate way to conclude a case. In my view that is not the case for this set of findings. I have taken into account the guidance published and it is clear to me that in this case a prohibition order is appropriate and proportionate. In reaching that decision I have taken into account the interests of the teacher as well as the public interest as set out. In this case, Mr Fretwell's conduct falls significantly short of the standards expected of a teacher and has the potential to bring the profession into disrepute.

I have gone on to consider the matter of a review period. Again I have read the published advice on this matter as well as the recommendation made by the panel. I have also taken into account the need to be proportionate.

I have considered the mitigation that is set out on behalf of the teacher.

In my view the behaviours that have been found proven include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. It is also clear that Mr Fretwell has been responsible for a long and repeated period of sexual misconduct. Mr Fretwell's conduct towards Witness A has caused her significant distress and harm. It is clear that the panel considers that Mr Fretwell lacks any real insight into his conduct and why it is unacceptable, and such remorse as he has indicated is very limited indeed. The panel are clear in their advice to me that there was no evidence before it to satisfy the panel that Mr Fretwell will develop that insight in the future.

I therefore agree that there should be no review for the reasons set out above.

This means that Mr Stephen Fretwell 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 Stephen Fretwell 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 Stephen Fretwell 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: 10 March 2017

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