



National College for
Teaching & Leadership

Mr Nathan Jones: Professional conduct panel outcome

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

May 2017

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

Teacher: Mr Nathan Jones

Teacher ref number: 0439289

Teacher date of birth: 19 May 1983

NCTL case reference: 15300

Date of determination: 12 May 2017

Former employer: Isambard Community School, Swindon

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 12 May 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Nathan Jones.

The panel members were Mrs Shamaila Qureshi (lay panellist – in the chair), Mrs Margaret Windsor (teacher panellist) and Mr John Pemberton (former teacher panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP, solicitors.

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobson LLP, solicitors.

Mr Jones 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 13 April 2017.

It was alleged that Mr Jones was guilty of unacceptable professional conduct and/or conduct which may bring the profession into disrepute in that, whilst employed as a teacher at Isambard Community School in Swindon ("the School"):

1. On or around 5th February 2014 he engaged in a Skype conversation with Child A where he:
 - a. Requested that she send an image of herself to him;
 - b. Received an image from her of herself in a towel;
 - c. Asked her if she could send him a more explicit image of herself;
 - d. Asked her if she had a webcam with a view to engaging in sexual activity with her on camera.
2. His conduct at allegation 1 was sexually motivated.

Mr Jones has admitted the facts of allegations 1 and 2 and the panel had regard to the Statement of Agreed and Disputed Facts.

Mr Jones has also admitted that his conduct in relation to allegations 1 and 2 amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

Application to proceed in the absence of the teacher

The panel considered an application from the presenting officer to proceed in the absence of Mr Jones.

After hearing submissions from the presenting officer and receiving legal advice, which was accepted, the Chair announced the decision of the panel as follows:

The panel is satisfied that the Notice of Proceedings has been sent in accordance with Rule 4.11 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession.

Whilst it was not sent to Mr Jones more than 8 weeks before the hearing, he had specifically requested a shorter time period in his response to the Notice of Referral and

the matter had proceeded on that basis. There is accordingly no prejudice to Mr Jones and the shorter notice period has arisen as a result of his request.

The panel has also decided that the hearing should proceed in Mr Jones' absence for the following reasons:

- Mr Jones has responded to the Notice.
- Mr Jones confirmed in his email to the Presenting Officer dated 10 May 2017 that he "*will not be attending the hearing*".
- The panel has accordingly concluded that Mr Jones has voluntarily waived his right to attend.
- There is no indication that Mr Jones might attend at a future date.
- The panel is accordingly satisfied that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time and the panel considered that it was also in Mr Jones' interests taking account of his circumstances.
- There is no medical evidence which indicated that Mr Jones was unable to attend the hearing because of any ill-health.

Taking all of these factors into account, the panel decided to proceed with the hearing in the absence of Mr Jones.

The panel will proceed with great care and caution and with close regard to the overall fairness of these proceedings, bearing in mind that Mr Jones is not present or represented.

Application for the hearing to be held in private

The panel considered a written request received from Mr Jones for the hearing to be held in private.

After hearing submissions from the presenting officer and receiving legal advice, which was accepted, the Chair announced the decision of the panel as follows:

The panel carefully considered the written request received from Mr Jones that the hearing take place in private.

There is a presumption that hearings will take place in public and there is a legitimate public interest in the openness and transparency of these disciplinary procedures.

This enables scrutiny and upholds public trust and confidence in the education profession.

The panel has decided that this hearing should take place in public.

Having considered Mr Jones' request, the panel considered the public interest in these proceedings taking place in public outweighs Mr Jones' private interests. With reference to Mr Jones' comments in relation to his family, the panel considered his family were unlikely to be referred to during the course of hearing.

The panel also took into account the fact that the outcome of the hearing is to be announced in public in any event.

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, Response to the Notice of Referral – pages 5 to 17

Section 3: NCTL documents – pages 18 to 113

In addition, the panel agreed to admit the following:

Email correspondence between Mr Jones and the Presenting Officer (added as pages 12A to D to the bundle)

Statement of Agreed and Disputed Facts (added as pages 14 to 16 to the bundle)

An undated letter from Mr Jones (added as page 115 to the bundle)

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

Witnesses and Statement of Agreed Facts

The panel did not hear any oral evidence.

It was, however, provided with a Statement of Agreed and Disputed Facts dated 10 May 2017. Whilst this was not signed by Mr Jones, the circumstances in which it was provided were explained by the presenting officer and the panel therefore accepted the document as agreed.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Jones commenced employment at the School in September 2008. Throughout the relevant time for the purposes of these proceedings, he was employed at the School as the Lead Teacher of Music.

On 19 March 2015, Mr Jones was arrested on suspicion of having committed an offence of attempting to cause/incite a child aged 13 to 17 years old to become involved in pornography.

Mr Jones was interviewed by the police under caution and subsequently bailed until 17 September 2015. He was immediately suspended by the School and a safeguarding referral was made to the local authority which held a strategy meeting on 25 March 2015.

The police subsequently conducted an investigation, at the conclusion of which Mr Jones was notified that no further action would be taken on the basis that there was insufficient evidence for a prosecution.

The School subsequently commenced a disciplinary investigation. During the course of the disciplinary process, Mr Jones resigned with immediate effect on 20 May 2016. A disciplinary hearing nevertheless proceeded on 23 May 2016 at which Mr Jones was summarily dismissed for gross misconduct.

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:

- 1. On or around 5th February 2014 engaged in a Skype conversation with Child A where you:**
 - a. Requested that she send an image of herself to you;**

This allegation was admitted by Mr Jones.

First, the panel noted that there was no dispute as to the fact that Mr Jones did engage in a Skype conversation with Child A on or around 5 February 2014. Child A was aged 13 at the time.

During the course of his police interview on 19 March 2015, Mr Jones initially denied being aware of Child A's age at the time. When challenged, he subsequently accepted that he was aware that Child A was underage in response to certain matters being put to him, namely the fact that Child A's age appeared on her profile page and the image was clearly that of a child under the age of 16.

Mr Jones also admits that during the course of the conversation he asked Child A to send an image of herself to him.

In light of the admission made and having considered all of the evidence, the panel finds allegation 1.a. proven.

b. Received an image from her of herself in a towel;

Whilst in his response to the Notice of Referral Mr Jones initially denied receiving an image from Child A of her in a towel, this allegation is now admitted by Mr Jones as set out in the Statement of Agreed and Disputed Facts.

He now accepts that he did in fact receive an image of Child A wearing only a towel. In the course of his police interview, he indicated that he subsequently deleted the image because he knew it was inappropriate and realised he had, "*made a serious mistake.*"

Accordingly, in light of Mr Jones' admission and having considered all of the evidence, the panel finds allegation 1.b. proven.

c. Asked her if she could send you a more explicit image of herself;

This allegation was admitted by Mr Jones.

He accepted that, having received an image of Child A wearing only a towel, he proceeded to ask Child A to send a more explicit image of herself.

The transcript of Mr Jones' police interview records that having received the image he replied to Child A stating, "*Do they get any hotter. Have you got cam?*". When asked what he meant by this Mr Jones responded, "*well I guess I mean 'are there any more revealing ...?'*"

Accordingly, in light of Mr Jones' admission and having considered all of the evidence, the panel finds allegation 1.c. proven.

d. Asked her if she had a webcam with a view to engaging in sexual activity with her on camera.

This allegation was admitted by Mr Jones.

During the course of his police interview Mr Jones confirmed that he used 'webcams' for the purposes of sexual activity. Pursuant to the Statement of Agreed and Disputed Facts

Mr Jones accepted that during the Skype conversation he asked Child A whether she had a camera so that he could engage in sexual activity with her on camera.

Accordingly, in light of the admission made and the evidence, the panel finds allegation 1.d. proven.

2. Your conduct at allegation 1 was sexually motivated.

This allegation has been admitted by Mr Jones.

Mr Jones provided an account of this incident during the course of his police interview, which the panel carefully considered.

In both his response to the Notice of Referral and in the Statement of Agreed and Disputed Facts Mr Jones admitted that his conduct at Allegation 1 was sexually motivated.

The Panel accordingly had direct evidence as to his motives.

In light of Mr Jones' admission and having carefully weighed all of the evidence, the panel accordingly decided that Mr Jones' conduct was sexually motivated.

The panel considered that the appropriate inference to be drawn in all the circumstances was that Mr Jones' actions were for some form of sexual gratification.

The panel noted in particular Mr Jones' acceptance that he had sexual activity on webcams and his messages to Child A, recorded in the police transcript, stating "*Hot pic with the towel*" and "*do they get any hotter ...?*" Whilst the messages were not before the panel, this evidence was not challenged by Mr Jones during the interview or subsequently.

Accordingly, in light of the admission made and having considered all of the evidence, the panel finds allegation 2 proven.

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

Having found all of the allegations to be 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.

Mr Jones has admitted that the allegations amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel had regard to that admission and 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 Jones in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Jones 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

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

The panel has found that the following offences are relevant:

- 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.

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

The panel noted that the allegations took place outside of the education setting. However it considered that the conduct impacted upon Mr Jones' teaching role and may lead to pupils being exposed to or influenced by the behaviour in a harmful way.

Accordingly, the panel is satisfied that Mr Jones 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 finds that Mr Jones' actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 2 proven, we further find that Mr Jones' 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, 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 and of other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

Mr Jones' conduct involved sexually motivated behaviour with a child aged 13. In light of the panel's findings, there is a strong public interest consideration in reinforcing the standards of behaviour expected of a teacher.

There is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate behaviour with a child.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Jones were not treated with the utmost 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 Jones 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 Jones.

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 Jones. 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 or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct; 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 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.

In light of the panel's findings, it considered that mitigating circumstances were that:

- it was not apparent that Mr Jones had previously been subject to regulatory or disciplinary proceedings;
- Mr Jones had demonstrated some regret and remorse; and
- Mr Jones admitted the facts and misconduct at an early stage and engaged with the National College during the course of these proceedings.

In terms of aggravating factors, the panel considered that

- Mr Jones' actions were deliberate;
- there was no evidence to suggest that Mr Jones was acting under duress, and in fact the panel found his actions to be calculated and sexually motivated.
- there is a clear and serious breach of the Teachers' Standards.
- there is some evidence of a wider pattern of similar, inappropriate behaviour, including Mr Jones' use of teen chatrooms whilst purporting to be 21 years of age, albeit this did not form part of the factual allegations in this case.

The panel did have regard to the letter submitted by Mr Jones which set out some mitigating factors. For example, this letter indicated that he had attended counselling sessions and support sessions with the Lucy Faithfull Foundation. However, no supporting information was provided in relation to this.

Accordingly, the panel did not consider that Mr Jones had demonstrated that he had remediated his behaviour. The panel were also not provided with any references that can attest to Mr Jones' abilities as a teacher.

The panel considered that Mr Jones had also failed to demonstrate complete insight into the effect of his behaviour. For example, whilst he addresses the impact of this incident on him and his family, Mr Jones has failed to address the impact of his behaviour on Child A, the School and his profession.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Jones. 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 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, for example where the act was sexually motivated and resulted in or had the potential to result in, harm to 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. In light of the panel's findings it considered that these behaviours were present in this case.

The panel accordingly 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 in respect of both sanction and review period.

In considering this case, I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Jones should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Jones 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

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

The panel has found that the following offences are relevant:

- 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.

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

The panel also noted that the allegations took place outside of the education setting. However it considered that the conduct impacted upon Mr Jones' teaching role and may lead to pupils being exposed to or influenced by the behaviour in a harmful way.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Jones, and the impact that will have on him, is proportionate.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that Mr Jones' "conduct involved sexually motivated behaviour with a child aged 13." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "the panel did not consider that Mr Jones had demonstrated that he had remediated his behaviour." The panel also commented that "whilst he addresses the impact of this incident on him and his family, Mr Jones has failed to address the impact of his behaviour on Child A, the School and his profession."

I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Jones were not treated with the utmost seriousness when regulating the conduct of the profession."

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations, I have had

to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Jones himself.

In this case, I have placed considerable weight on the seriousness of the behaviours shown. The panel has found that Mr Jones' actions were deliberate, that there was no evidence to suggest that Mr Jones was acting under duress, and in fact, the panel found his actions to be calculated and sexually motivated.

There is also a clear and serious breach of the Teachers' Standards.

In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. Mr Jones' behaviours include serious sexual misconduct, for example where the act was sexually motivated and resulted in, or had the potential to result in, harm to 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.

In light of the panel's findings, I consider that these behaviours were present in this case.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended that there should be no provision for a review period.

I have considered the panel's comments “The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended.”

I have considered whether allowing for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the seriousness of the behaviour and the lack appropriate insight or remorse are both serious factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. The published guidance also supports that view.

I consider therefore that allowing for no review period is necessary to protect pupils and to satisfy the maintenance of public confidence in the profession.

This means that Mr Nathan Jones 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 Nathan Jones 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 Nathan Jones 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 blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 18 May 2017

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