



National College for
Teaching & Leadership

Mr Matthew Hill: Professional conduct panel outcome

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

March 2017

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

Teacher: Mr Matthew Hill

Teacher ref number: 9861701

Teacher date of birth: 1 June 1974

NCTL case reference: 009942

Date of determination: 7 March 2017

Former employer: Lyndhurst Junior School, Portsmouth

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 6 March 2017 to 7 March 2017 at Ramada Hotel, Butts, Coventry, CV1 3GG to consider the case of Mr Matthew Richard Clifford Hill.

The panel members were Ms Fiona Tankard (teacher panellist – the Chair), Mr Ian Hughes (lay panellist) and Mr Tony Woodward (former teacher panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds Sutherland International LLP.

The presenting officer for the National College was Mr Scott Ivill of Counsel briefed by Nabarro LLP.

Mr Matthew Hill 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 9 December 2016.

It was alleged that Mr Matthew Hill was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Lyndhurst Junior School, Portsmouth:

- 1. In December 2012, he masturbated near children during an arranged children's sleepover at a family centre;**
- 2. In December 2012, he was found to be in possession of inappropriate images/pseudo images of children;**
- 3. His actions set out at paragraphs 1 and/or 2 above was sexually motivated.**

The above allegations were not admitted.

C. Preliminary applications

Decision on Proceeding in Absence

As Mr Hill was not in attendance, the panel considered whether the hearing should continue in his absence.

The panel noted that the National College served the Notice of Proceedings by Document Exchange (DX) on 9 December 2016 (pages 5 to 7 of the hearing bundle). Mr Hill responded to the Notice of Proceedings on 16 December 2016 (pages 8 to 11 of the hearing bundle) where he indicated that he did not propose to attend the hearing.

Having considered the factual evidence before it, the panel was satisfied that the National College had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher misconduct: Disciplinary procedures for the teaching profession, "(the Procedures)".

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understood that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one. The panel also understood the requirement that it be only in

rare and exceptional circumstances that a decision should be taken in favour of the hearing's taking place.

In making its decision, the panel noted that the teacher may waive their right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. As noted above, Mr Hill had more than 8 weeks' notice of the hearing date and in fact responded to the Notice of Proceedings on 16 December 2016. It was apparent to the panel that Mr Hill was aware of these proceedings. In addition, the panel had regard to the correspondence between Mr Hill and the National College's advisers, Nabarro Solicitors, and the letter from Mr Hill dated 26 January 2017 (page 759 of the hearing bundle), stating that he did not intend to attend the hearing. Furthermore, there was no indication that an adjournment might result in the teacher attending the hearing at a further date. The panel therefore considered that the teacher had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel had the benefit of evidence provided during the course of the criminal investigation. Furthermore, the panel noted that the witnesses relied upon were to be called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, as were reasonably available on the evidence. The panel had not identified any significant gaps in the documentary evidence provided to it and should such gaps have arisen during the course of the hearing, the panel could take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer had discharged the burden of proof. The panel would also be able to exercise vigilance in making its decision, taking into account the degree of risk of the panel's reaching the wrong decision as a result of not having heard the teacher's account.

The panel also noted that there were witnesses present at the hearing, who were prepared to give evidence, and that it would have been inconvenient and distressing for them to return again.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and accepted that fairness to the teacher was of prime importance. However, it considered that in light of the teacher's waiver of his right to appear, by taking such measures referred to above to address that unfairness insofar as is possible, and taking account of the inconvenience an adjournment would cause to the witnesses, on balance, these were serious allegations and the public interest in this hearing's proceeding within a reasonable time was in favour of this hearing's continuing.

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 11

Section 3: NCTL witness statements – pages 13 to 19

Section 4: NCTL documents – pages 21 to 756

Section 5: Teacher documents – pages 758 to 762

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

Witnesses

The panel heard oral evidence from the following witnesses:

Witness A Deputy Play Leader

Witness B Site Leader

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

Mr Hill was employed as the assistant head teacher and specialist leader in education at Lyndhurst Junior School. Mr Hill also volunteered at Buckland Family Play Centre.

On 23 December 2012, during an arranged children's sleepover at a family centre, Mr Hill allegedly masturbated near children. He was later arrested on suspicion of engaging in sexual activity in the presence of a child under 13 and was interviewed by police under caution.

In addition to the above allegation, Mr Hill was also allegedly found to be in possession of inappropriate images/pseudo images of children following the police search of his property.

On 26 December 2012, Mr Hill appeared at South East Remand Court and later appeared before the Portsmouth Crown Court for trial in July 2014, where the Jury could not agree a verdict. A retrial was held in February 2015 where Mr Hill was acquitted.

Mr Hill ceased his employment at Lyndhurst Junior School on 29 April 2013.

Findings of fact

The panel's findings of fact were as follows:

The panel found the following particulars of the allegations against Mr Hill proven, for the following reasons:

1. In December 2012, you masturbated near children during an arranged children's sleepover at a family centre;

Mr Hill denied this allegation. In an email to the National College's advisers, Nabarro Solicitors, dated 26 January 2017, Mr Hill wrote, "I did not masturbate while at the Buckland Park Play Centre on 23rd December 2012".

The panel noted that the evidence before it made reference to two potential occasions where Mr Hill was alleged to have masturbated near children. The first took place whilst in the main hall in the presence of, amongst others, Witness A, and the second, in the smaller back room in the presence of, amongst others, Witness B.

Addressing the first occasion, the panel had regard to the evidence of Witness A. In her written evidence, she explained that, "Mr Hill and I slept in the main hall and were responsible for looking after Child C, Child D, Child E and Child F." She said that the main hall was, "lit by the lights of the nearby Christmas tree. There was also an illuminated 'fire exit' sign above one of the doors which was directly above Mr Hill." In her oral evidence, Witness A explained that the Christmas tree was very large and therefore it produced a lot of light. She explained, "I could therefore see what was going on in the main hall by this dimmed lighting." In her oral evidence she said that there was "sufficient lighting to see movement." She explained that at some point during the night, she was awake and noticed Mr Hill's sleeping bag moving in the groin area. She stated that the movement was rapid and lasted for approximately a minute. Due to the frequency of the movement, her initial thought was that Mr Hill was masturbating. However, Witness A acknowledged that Mr Hill was completely covered in his sleeping bag. During this time Mr Hill was about, "two to six feet away from Child F."

Mr Hill denied masturbating on this occasion, and stated during his criminal trial that Witness A was mistaken. In fact, during her cross-examination, Witness A accepted that she "couldn't be sure" she witnessed Mr Hill masturbating under the sleeping bag. Furthermore, in an email to the National College's advisers, Nabarro Solicitors, dated 26 January 2017, Mr Hill noted Witness A's delay in reporting this to the relevant authorities. He noted that, "When [Witness A] spoke to Witness B after [Witness B] made her

allegation, [Witness A] made no mention of seeing anything that looked like masturbation.” It is first mentioned at the end of Witness A’s interview with the police dated 24 December 2012. During the criminal trial, during cross-examination, Witness A accepted that she did not volunteer the information and only brought it to the police’s attention at the end of her interview when she was asked whether there was anything else she wished to add. Witness A explained the delay was because she “felt embarrassed to tell the police officer what I had actually thought.”

Turning to the second occasion, the panel had regard to the evidence of Witness B. She explained that at “approximately, 3:30[am] Mr Hill moved into the back room,” where she was sleeping with 10 children and another adult. In her oral evidence, Witness B stated she was sleeping around 1 to 1.5 metres from Mr Hill with some children between her and Mr Hill. She was facing towards Mr Hill with her head above the children’s heads so she had an unimpeded view of Mr Hill’s mid-region. Witness B explained that there was sufficient light, from the large Christmas tree, the illuminated ‘fire exit’ sign and the street light entering the room. She said that she woke up at 5:50am and saw Mr Hill, “masturbating next to Child A, who was asleep.” Witness B described in detail what she witnessed, noting that Mr Hill was 12 to 18 inches from Child A’s head and he was “fixated” on the child. Witness B saw Mr Hill’s hand around his penis. She then coughed and moved as if she were waking up. When she looked back a few seconds later, Mr Hill had covered himself up.

She immediately woke Witness A and told her what she had witnessed. She then went back into the room and called for Mr Hill and confronted him away from the children. She explained that Mr Hill initially denied this but then said, “If I was, I must have been asleep.” This account is corroborated by Witness A, who was also present during this conversation.

Witness B’s account of the events was consistent with the account relayed immediately to Witness A, the account relayed to the police on 23 December 2012 and her evidence during the criminal trial, which was subjected to cross-examination. In fact, when pushed on this matter by the panel, Witness B categorically refuted that there was any possibility that she had dreamt, imagined or misunderstood what she witnessed. Witness B was consistent with her evidence throughout. The panel therefore found the evidence to be credible, cogent and honest. Furthermore, the evidence did not appear exaggerated in any way.

In his email to the National College’s advisers dated 26 January 2017, Mr Hill disputed Witness B’s assertion that there was sufficient light.

In conclusion, with regard to the first occasion Mr Hill was alleged to have masturbated near children, the panel found that given that Mr Hill was entirely covered in his sleeping bag, the lack of certainty held by Witness A as to precisely what Mr Hill was doing, coupled with the delay in reporting this, and the discrepancies in her accounts, it cannot be said that Mr Hill was more likely than not to have masturbated near children on that

occasion. Turning to the second incident, the panel considered all of the evidence and preferred the evidence of Witness B, who was entirely clear in her recollection and consistent throughout. The panel felt that Witness B's actions, notifying Witness A, contacting the Play Service Manager and contacting the police, were of an individual who was confident in what she witnessed. Therefore, on the balance of probabilities, the panel believed that Mr Hill did masturbate near children on the second occasion in the small back room. Consequently, the panel found this allegation to be proved.

2. In December 2012, you were found to be in possession of inappropriate images/pseudo images of children;

Mr Hill denied this allegation.

The panel considered the police log entitled "Occurrence details" which noted that following the report of masturbation to the police, a search of Mr Hill's property was undertaken. During this search, various items were seized including a memory card from Mr Hill's bedside cabinet in his bedroom, which were subsequently forensically examined by the High Tech Crime Unit. The examination revealed two deleted folders on the memory card. One folder had been overridden and could not be recovered whilst the other folder was recoverable. Once recovered, the folder was found to contain eight files; six were movie files and two were electronic images. All the files, save for one movie file, were graded between levels 1 to 4 in accordance with the guidance issued by the Sentencing Guidelines Council. During his police interview following the search, Mr Hill gave a "no comment" interview in relation to all questions put to him concerning the memory card and the files found on it.

At the start of the criminal trial in June 2014, it was reported that on 26 August 2012 the eight files were placed onto the memory card and on 28 August 2012, the memory card was placed into Mr Hill's laptop, which was password protected. On that date, a Level 1 movie was accessed, although the technical experts in the criminal trial agreed that they could not determine how much of the movie had been viewed. There was no evidence to suggest that the other files had been accessed on Mr Hill's laptop.

In his email to the National College's advisers, Nabarro Solicitors, dated 26 January 2017, Mr Hill stated that the, "prosecution and defence forensic examiners of the computer equipment came to a joint agreement [whereby it was agreed that] all indecent images were made in a single download. This download did not take place using any of the computer equipment owned or used by Mr Hill ... Mr Hill's laptop had been used to access one of these images but no others and all images had been deleted." Mr Hill stated that, "I have never downloaded indecent images of children and the forensic examination of computer equipment found in my house supported this." Mr Hill explained that he gave a "no comment" interview because he was sleep deprived, having been in police custody for over 36 hours and because he was advised by his solicitor.

The panel noted there was considerable commentary at the criminal trial regarding the wording of the counts on the indictment concerning the images on the memory card. The panel noted that regarding the movie that was accessed, the count on the indictment remained and was put to Mr Hill, who pleaded 'not guilty'. However, it was not put before the jury at trial. The panel was mindful that whilst the evidence before that hearing might be taken into account by the panel when assessing whether the facts of this case had been found proven, the outcome of that hearing was not determinative of the facts before the panel. The panel was required to turn its own independent mind to the issues before it.

The panel considered all of the evidence, noting that the memory card was found in Mr Hill's bedroom and an indecent movie had been accessed using his password protected laptop; this being established by technical experts. The panel adopted the plain and ordinary meaning of the word "possession" (the state of having, owning or controlling something) and found that, on the balance of probabilities, Mr Hill was in possession of images/pseudo images of children, these being inappropriate given the nature of the images (as described during the police interview). Consequently, the panel found this allegation to be proved.

3. Your actions set out at paragraphs 1 and/or 2 above were sexually motivated.

As the panel found allegations 1 and 2 to be proved, the panel went on to consider the two stage test for sexual motivation – firstly, whether on the balance of probabilities a reasonable person would think the actions could be sexual and secondly whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher's purpose in such actions was sexual.

Mr Hill denied that his actions were sexually motivated.

The panel noted that the facts of the allegations found to be proved against Mr Hill, which included masturbation and the possession of indecent images of children, would be viewed by a reasonable person as sexual. In reaching its decision, the panel noted that the very nature of these actions would suffice to satisfy this element of the test.

Turning to the second limb, whether in all the circumstances of the conduct of the case, the purpose of such actions was sexual on Mr Hill's part, the panel was satisfied, in the absence of any other reasonable explanation and as a result of the proven facts, that Mr Hill's intention behind these actions was indeed sexual. Therefore, the panel found this allegation to be proved.

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

Having found the allegations to have been proven, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which the panel referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Hill in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Hill was in breach of the following standards:

- teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

The panel was satisfied that the conduct of Mr Hill, which involved masturbating near children and possessing inappropriate images of children, fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Hill’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel found that the offences of sexual activity and that of 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, were 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 noted that the allegations took place outside of the education setting and in such circumstances misconduct will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role or may lead to pupils’ being exposed to or influenced by the behaviour in a harmful way. The panel noted that the facts surrounding the allegations were not said to have impacted the manner in which Mr

Hill fulfilled his role as a teacher. However, there is clear evidence from the underlying facts that Mr Hill's conduct may have led to children being exposed to or influenced by his behaviour in a harmful way; not least because during the sleepover, a child could have woken up and witnessed Mr Hill masturbating.

Accordingly, the panel was satisfied that Mr Hill was guilty of unacceptable professional conduct.

The panel took into account the way 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 took 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 were 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 found that Mr Hill's actions did 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 and conduct that may bring the profession into disrepute, it was 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 had 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 a 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 Hill, which involved masturbating near children and possessing inappropriate images/pseudo images of children, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate actions involving children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hill 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 Hill was outside that which could reasonably be tolerated.

In view of 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 Hill.

In carrying out the balancing exercise, the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Hill. 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 were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
 - the panel found that Mr Hill's conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards, as the panel has already detailed above
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature
 - the panel found allegation 3 proven, noting that Mr Hill's actions were sexually motivated
- 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
 - the panel found allegation 2 proven, noting that Mr Hill was in the possession of inappropriate images/pseudo images of children and on one occasion a Level 1 movie was accessed

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.

Given the nature of the behaviour, the panel held that Mr Hill's actions were deliberate and had seen no evidence to suggest that he was acting under duress. However, the panel noted that, as far as they are aware, in his role as a teacher, Mr Hill had not been subject to any formal disciplinary proceedings. The panel has also noted the evidence provided in support of Mr Hill's good character. In particular, the panel noted the evidence of Witness B and Witness A who described Mr Hill as having been a "fantastic

guy” and “brilliant teacher and volunteer”, stating that on the residential event he was the children’s “favourite teacher”.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the Panel would be sufficient.

The panel was of the view that applying the standard of the ordinary intelligent citizen, recommending no prohibition order would not be a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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 Hill. The nature of the actions and the proximity to children was a significant factor in forming that opinion. Accordingly, the panel made 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 it to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice states 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 Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, e.g. where the act was sexually motivated, 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 found that Mr Hill had been responsible for masturbating near children and possessing inappropriate images/pseudo images of children, such actions being sexually motivated.

Accordingly, 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 provisions 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. In making my decision in this case I have taken careful account of the advice that is published by the Secretary of State on the prohibition of teachers.

In this case the panel has found all of the allegations against Mr Hill to be proven. The panel found that, by reference to Part Two of the advice, that Mr Hill was in breach of the following standards:

- teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

The panel was satisfied that the conduct of Mr Hill, which involved masturbating near children and possessing inappropriate images of children, fell significantly short of the standards expected of the profession.

In considering the recommendation of the panel in terms of sanction I have taken into account the need to balance the public interests and the individual interests of Mr Hill. In particular I have noted that where a finding of unacceptable professional conduct is made that this is of itself a serious matter, and in some cases that may be a sufficient and appropriate outcome.

In my judgement that is not the case in this instance. I have weighed the factors concerned, including that there is a public interest in maintaining in the profession high quality teachers. I have also taken into account the interests of Mr Hill and the need to be proportionate. A prohibition order should not be applied to be punitive, although the effect may be punitive.

I have taken account of the published 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 were relevant in this case were:

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

- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature
- 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 also taken into account the mitigating factors set out by the panel in this case. I have in particular noted as the panel did that “the evidence of Witness B and Witness A who described Mr Hill as having been a “fantastic guy” and “brilliant teacher and volunteer”, stating that on the residential event he was the children’s “favourite teacher”.”

On balance and having taken into account the seriousness of the behaviours and the advice published I have concluded, like the panel that a prohibition order is proportionate and in the public interest.

I have gone on to consider the matter of a review period. I have taken into account the recommendation of the panel as well as the published advice. The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, e.g. where the act was sexually motivated, 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 this case the panel has found that Mr Hill had been responsible for masturbating near children and possessing inappropriate images/pseudo images of children, such actions being sexually motivated. For these reasons I support the recommendation of the panel. In my judgement it is proportionate and in the public interest for there to be no review period.

This means that Mr Matthew Hill 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 Matthew Hill 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 Matthew Hill 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.

Handwritten signature of Alan Meyrick in grey ink.

Decision maker: Alan Meyrick

Date: 13 March 2017

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