



National College for
Teaching & Leadership

Mr Ben Hughes- Games: 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 Ben Hughes-Games

Teacher ref number: 1722699

Teacher date of birth: 7 October 1977

NCTL case reference: 14566

Date of determination: 22 March 2017

Former employer: John Cabot Academy, Bristol

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 22 March 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Ben Hughes-Games.

The panel members were Ms Nicolé Jackson (lay panellist - in the chair), Mrs Gill Tomlinson (lay panellist) and Mr Anthony Bald (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

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

Mr Hughes-Games 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 3 November 2016.

It was alleged that Mr Ben Hughes-Games was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as a teacher at the John Cabot Academy in Bristol, he:

1. Had an inappropriate relationship with Pupil A in 2009 and whilst she was a pupil at John Cabot Academy in that he:
 - a. contacted her by telephone and/or text messages;
 - b. met with her 1-to-1 outside school;
 - c. had sexual intercourse with her.
2. Informed the John Cabot Academy that he had not been in a sexual relationship with Pupil A when in fact he had including at meetings in or around:
 - a. April 2009;
 - b. June 2009;
3. Continued to engage in a sexual relationship with Pupil A whilst subject to:
 - a. a formal warning about his relationships with pupils issued in or around April 2009;
 - b. a final warning about his relationships with pupils issued in or around July 2009;
4. Acted dishonestly when doing (2) above in that he was seeking to conceal his sexual relationship with Pupil A so that he could continue to work at the school.

In his response form dated 15 August 2016, Mr Ben Hughes-Games admitted the factual particulars of each of the allegations and also admitted that the allegations amount to unacceptable professional conduct/conduct that may bring the profession into disrepute. He also signed a Statement of Agreed Facts on 9 August 2016 and the case was referred for consideration at a meeting on 4 October 2016. However, the Professional Conduct Panel that convened to consider the case on that date felt that there was a degree of equivocation in the admissions of Mr Hughes-Games. The panel then determined that it was in the interests of justice that the case should be considered at a full hearing.

C. Preliminary applications

Application to proceed with the hearing in the absence of Mr Hughes- Games

Mr Hughes-Games was not present and not represented at the hearing.

Mr Perkins provided the panel with a bundle of recent correspondence with Mr Hughes-Games, including emails dated 21 and 22 March 2017 in which Mr Hughes-Games requested an adjournment. Mr Perkins made an application to proceed with the hearing in the absence of Mr Hughes-Games. After hearing submissions from Mr Perkins and receiving legal advice, the chair announced the decision of the panel as follows:

The panel is satisfied that the Notice of Proceedings was sent to Mr Hughes-Games in accordance with paragraph 4.11 of the Teacher Misconduct-Disciplinary Procedures for the Teaching Profession (“the Procedures”).

The panel considered Mr Hughes-Games email dated 21 March 2017 as a request for an adjournment. In this email, Mr Hughes-Games requested that the hearing be delayed 'until such time as [he] or a representative can be present.' In relation to his own attendance, the panel noted that Mr Hughes-Games' email of 21 March 2017 was the first indication given by him that he might attend in person. In all of his previous communications, including his response to the Notice of Proceedings dated 18 December 2016, Mr Hughes-Games stated that he would not be attending in person. Indeed, the panel noted that in his response to the Notice of Referral dated 15 August 2016, Mr Hughes-Games admitted the allegations and requested that they be considered without a hearing. The panel that met on 4 October 2016 made it clear in its decision that he should have the opportunity to attend and to give evidence and make oral representations. It is in this context that Mr Hughes-Games has decided not to attend today. Although Mr Hughes-Games' earlier correspondence refers to some ill-health, he has not stated that he is unable to attend today's hearing due to ill-health. No medical evidence has been provided. Taking all of these circumstances into account, the panel is not satisfied that Mr Hughes-Games would attend in person at a later date if the hearing were to be adjourned.

Mr Hughes-Games application for an adjournment is also to enable him to instruct a representative to attend on his behalf. The presenting officer has drawn the panel's attention to the numerous occasions since 2 August 2016 where advice has been given regarding representation and the potential sources for this. Despite this, although he says that he has made attempts to do so, Mr Hughes-Games has not secured representation for today's hearing and his email seeking an adjournment does not contain any indication of the time required to secure such representation. The panel also noted that the request for an adjournment was not made until 21 March 2017 at 13:30 following a lengthy gap in communication since 27 February 2017. Mr Hughes-Games is concerned that the points that he wishes to make will be lost or misinterpreted. However, the panel has before it Mr

Hughes-Games' own statements in which he admits the allegations and a further summary he sent on 21 March 2017.

The panel has decided to proceed with the hearing in the absence of Mr Hughes-Games for the following reasons:

- The panel is satisfied that Mr Hughes-Games is aware of the proceedings and has decided not to attend. In so acting, Mr Hughes-Games has waived his right to attend.
- The panel is not satisfied that Mr Hughes-Games would attend or be represented at a later date if today's hearing is adjourned. Accordingly, no purpose would be served by an adjournment.
- There is a public interest in these proceedings being concluded reasonably promptly.

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 25

Section 3: Statement of Agreed Facts – pages 27 to 29

Section 4: NCTL documents – pages 31 to 71

Section 5: Teacher documents – pages 73 to 92

In addition, the panel agreed to accept an additional bundle of documents containing correspondence between the presenting officer and Mr Hughes-Games between 4 January 2017 and 22 March 2017 – pages A0 to A14.

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

Witnesses

No witnesses were called.

Statement of Agreed Facts

The panel considered a Statement of Agreed Facts signed by Mr Hughes-Games on 9 August 2016.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered this case and reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing and the additional documentation submitted at the beginning of the hearing.

Mr Ben Hughes-Games was first employed at John Cabot City Technology College on 21 March 2003 (On 1 September 2007 John Cabot City Technology College became John Cabot Academy "the Academy") in Bristol on 21 March 2003 as a music teacher for maternity cover. In 2006 he became a peripatetic singing teacher across all years and worked on a contractual basis at the Academy, teaching two days per week. During this time he also occasionally taught singing to sixth form drama students as a class and was involved in school excursions and productions.

Mr Hughes-Games role included delivering GCSE and A-Level coursework to pupils at the Academy and he was involved in both planning and delivering lessons, including for the musical theatre and voice elements of the National BTEC diploma in Performing Arts.

Pupil A [Redacted] attended the Academy and in the 2008/9 academic year, was a year 13 sixth form pupil. [Redacted].

In April 2009, concerns were raised about Mr Hughes-Games interactions with Pupil A. He attended a disciplinary meeting when it is alleged that he admitted he had allowed Pupil A to visit his home, but he denied that they had been in a sexual relationship. On 14 April 2009, Mr Hughes-Games was issued with a written warning by the Academy about his future conduct, with specific regard to his relationship with pupils of all ages.

In June 2009, further concerns were raised when Mr Hughes-Games was seen socialising with Pupil A in a local pub. Mr Hughes-Games was asked to attend a meeting where, it is alleged, he acknowledged that he had met Pupil A at a pub, but again denied that they had been in a sexual relationship. On 1 July 2009, Mr Hughes-Games received a final warning concerning his relationships with pupils.

Mr Hughes-Games resigned from his position at the Academy in June 2015.

In his Notice of Referral response form dated 15 August 2016, Mr Hughes-Games admitted the factual particulars of each of the allegations and also admitted that the

allegations amount to unacceptable professional conduct/ conduct that may bring the profession into disrepute. He also signed a Statement of Agreed Facts on 9 August 2016 and the case was referred for consideration at a meeting on 4 October 2016. However, the Professional Conduct Panel that convened to consider the case on that date felt that there was a degree of equivocation in the admissions of Mr Hughes-Games. The panel then determined that it was in the interests of justice that the case should be considered at a full hearing.

Findings of fact

The panel's findings of fact are as follows:

Whilst employed as a teacher at the John Cabot Academy in Bristol, you:

- 1. Had an inappropriate relationship with Pupil A in 2009 and whilst she was a pupil at John Cabot Academy in that you:**
 - a. contacted her by telephone and/or text messages;**
 - b. met with her 1-to-1 outside school;**
 - c. had sexual intercourse with her.**

In the Statement of Agreed Facts, Mr Hughes-Games admitted that he had an inappropriate relationship with Pupil A in 2009 and whilst she was a pupil at the Academy. He also admitted that he contacted her by telephone and text messages, that he met her on a one to one basis and had sexual intercourse with her.

In his written representations to the National College dated 17 May 2016, Mr Hughes-Games stated that, in the summer term of 2008, he was aware that one of his students, Pupil A, was spending a lot of time in his teaching room in the music department at the Academy. He said that, at the end of the summer term in 2008 he was aware of increasingly flirtatious behaviour from Pupil A directed at him. He said that Pupil A also confided in him with information about her personal life. Mr Hughes-Games stated that in the Summer of 2008, both he and Pupil A were involved in a production at the Edinburgh Fringe and that it was at about this time that Pupil A entered into a relationship with someone that Mr Hughes-Games described as a friend and colleague of his. Mr Hughes-Games stated that he subsequently received telephone calls and messages from Pupil A and assumed that she had obtained his number from his friend. He stated that the first occasion was when he was travelling back from Edinburgh with his friend when Pupil A called him several times with messages for his friend. Mr Hughes-Games stated that, from that point, Pupil A sent him messages about lessons and backing tracks. Mr Hughes-Games also stated that in the months that followed, he would often get calls from his friend to say that he and Pupil A were nearby and asking to meet them. He stated that they did then meet, including also meeting at his flat. He stated that, after November 2008, when Pupil A became 18, Pupil A began to use the fact that her boyfriend

sometimes worked nights to engineer situations in which she would be alone with Mr Hughes-Games in his flat, waiting for his friend to join them. He stated that this was how his relationship with Pupil A began.

In relation to allegation 1b, despite the admission contained in the Statement of Agreed Facts, the panel noted that, in his written response dated 17 May 2016, Mr Hughes-Games referred to a specific incident when he attended a performance by the Bristol Old Vic Theatre School students. Mr Hughes-Games stated that this incident was not a one to one meeting. He added that other students were going to join them at the performance, but they were unable to do so. It follows from Mr Hughes-Games response, that he did in fact meet with Pupil A alone on that occasion, even though that may not have been the original intention. However, allegation 1b is not directed to the incident at the theatre. Moreover, by his own admission, there were occasions when Mr Hughes-Games met with Pupil A alone at his flat, as referred to above. Further, the panel infers from the fact that there was a sexual relationship that there were one to one meetings.

In relation to allegation 1c, Mr Hughes-Games stated in his written response that 'there had been a sexual side in the early part of the relationship', although he added that this was not a 'strong motovic factor' for either him or Pupil A. He also stated in his 'final response' that his relationship with Pupil A lasted for five years and that for four of them, it was a platonic one. He also stated in his written response dated 17 May 2016 that there was 'no physical side to it after December of 2009'. The panel is satisfied that Mr Hughes-Games admits that sexual intercourse with Pupil A took place prior to December 2009, when Pupil A was still a pupil at the Academy.

The panel finds allegation 1a, b and c proved based on Mr Hughes-Games' admissions.

2. Informed the John Cabot Academy that you had not been in a sexual relationship with Pupil A when in fact you had including at meetings in or around:

a. April 2009;

Mr Hughes-Games admitted in the Statement of Agreed Facts that, in April 2009, concerns were raised about his interactions with Pupil A. Further, he attended a disciplinary meeting at the Academy in April 2009 when he admitted that he had allowed Pupil A to visit his home, but denied that they had been in a sexual relationship when in fact they had.

In his summary dated 21 March 2017, Mr Hughes-Games stated that the question as to whether he was in a relationship with Pupil A was not put to him in any meeting. However, the panel also considered the written reponse from Mr Hughes-Games dated 17 May 2016. In that document, Mr Hughes-Games stated that he was called to a meeting in April 2009 with the Principal of the Academy. He said that he admitted at that meeting that his behaviour had given rise to suspicion and he explained how he and

Pupil A had come to socialise outside of working hours together as a teacher and student. Mr Hughes-Games acknowledged that he did deny that he and Pupil A had been in a physical/ sexual relationship.

The panel has also been provided with a copy of a letter from the Principal to Mr Hughes-Games dated 6 April 2009. This referred to a meeting with Mr Hughes-Games on 1 April 2009 and enclosed a summary of the investigation. In that summary, it was recorded that Mr Hughes-Games had stated that he had never been involved in a physical relationship with Pupil A beyond walking arm in arm with her and that he had never been involved in a sexual relationship with her. The panel has also considered a note of the disciplinary meeting held on 8 April 2009 which recorded that the Principal went through the facts discussed with Mr Hughes-Games at the meeting on 1 April 2009, including that Mr Hughes-Games had confirmed that no physical or sexual relationship had occurred. The note recorded that, at the meeting on 8 April 2009, Mr Hughes-Games confirmed that this was accurate.

The panel finds allegation 2a proved.

b. June 2009;

In the Statement of Agreed Facts, Mr Hughes-Games also admitted that further concerns had been raised in June 2009 when he was seen socialising with Pupil A in a local pub. Mr Hughes-Games admitted that he was asked to attend a meeting where he acknowledged that he had met Pupil A at the pub, but denied that they had a sexual relationship when in fact they had.

In his written response, Mr Hughes-Games states that on 30 June 2009 he was called to a further meeting with the Principal. He said that this was to discuss the fact that he had been observed by a member of staff socialising with Pupil A in a pub in the centre of Bristol. Mr Hughes-Games stated that, when he was presented with this allegation, he offered his resignation, but that the Principal had said that, due to the age of the pupil, this was not necessary.

The panel has also considered the content of a letter dated 1 July 2009 sent to Mr Hughes-Games from the Principal. In this letter, the Principal referred to his meeting with Mr Hughes-Games on 30 June 2009. In summarising that meeting, the Principal stated, 'you confirmed that a relationship between you and the female student did not exist and that you had recently argued'.

The panel is satisfied, on the balance of probabilities, that Mr Hughes-Games responses at the meeting on 30 June 2009 did amount to a denial that he was in a sexual relationship with Pupil A when he was. Accordingly, the panel finds allegation 2b proved.

3. Continued to engage in a sexual relationship with Pupil A whilst subject to:

- a. **a formal warning about your relationships with pupils issued in or around April 2009;**
- b. **a final warning about your relationships with pupils issued in or around July 2009.**

In the Statement of Agreed Facts, Mr Hughes-Games admitted that he was issued with a written warning on 14 April 2009 about his future conduct 'with specific regard to his relationship with pupils of all ages'. The panel has also seen a copy of a letter sent to Mr Hughes-Games from the Principal dated 14 April 2009 containing the written warning, which remained effective until 14 April 2010.

In the Statement of Agreed Facts, Mr Hughes-Games also admitted that, on 1 July 2009, he received a final warning regarding his relationships with pupils. The panel has also seen a copy of a letter dated 1 July 2009 sent from the Principal containing this final written warning.

Mr Hughes-Games admitted in the Statement of Agreed Facts that he was engaged in a sexual relationship with Pupil A until December 2009 and, therefore, continued to engage in a sexual relationship with her whilst subject to the two formal warnings given in April and July 2009.

Accordingly, the panel finds allegations 3a and b proved.

4. Acted dishonestly when doing (2) above in that you were seeking to conceal your sexual relationship with Pupil A so that you could continue to work at the school.

In the Statement of Agreed Facts, Mr Hughes-Games admitted that his conduct at allegation 2 was dishonest in that he was seeking to conceal his relationship with Pupil A so that he could continue to work at the Academy. He also acknowledged that this conduct would be considered dishonest by the standards of an ordinary person and that he knew his own conduct to be dishonest.

In addition, the panel noted that in his written response dated 17 May 2016, Mr Hughes-Games stated that, when he met with the Principal on 1 April 2009, he was aware that if he were to admit to having a relationship with Pupil A, the Principal would have had no alternative but to dismiss him. Furthermore, in his 'final response' Mr Hughes-Games stated that he told the Principal that he had not been in a relationship as he wished to move on and regain the trust of his employer.

The panel is satisfied that, in denying the existence of a sexual relationship in April and June 2009, Mr Hughes-Games was seeking to conceal the relationship so that he could continue to work at the Academy. The panel is satisfied that Mr Hughes-Games actions were dishonest by the standards of reasonable honest people and that Mr Hughes-Games was aware that his own conduct was dishonest by those standards.

Accordingly, allegation 4 is proved.

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

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

Mr Hughes-Games has admitted that his conduct amounts to unacceptable professional conduct/conduct that may bring the profession into disrepute. The panel has taken this admission into account, but made its own determination.

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 Hughes-Games in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Hughes-Games is in breach of the following standards:

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

The panel is satisfied that the conduct of Mr Hughes-Games amounts to serious misconduct which falls significantly short of the standards expected of the profession.

The panel has also considered whether Mr Hughes-Games 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 serious dishonesty and sexual activity are relevant.

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.

Accordingly, the panel is satisfied that Mr Hughes-Games 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 Hughes-Games' actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel also acknowledged that there is a public interest in a teacher who is able to make a valuable contribution to the profession being able to continue in that profession, as outlined in the judgment in *Wallace v Secretary of State for Education* [2017] EWHC 109(Admin).

In light of the panel's findings against Mr Hughes-Games, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of a sexual relationship with a pupil.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hughes-Games, including

dishonesty, 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 Hughes-Games 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 Hughes-Games.

In considering the issue of proportionality, the panel applied the following test, namely whether a less intrusive measure could be used without unacceptably compromising the achievement of the relevant objective (namely, the protection of the public interest) and whether, having regard to these matters and the severity of the consequences for Mr Hughes-Games, a fair balance can be struck between the rights of Mr Hughes-Games and the interests of the public.

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 Hughes-Games. 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

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

The panel acknowledges Mr Hughes-Games' explanation that the sexual relationship did not continue beyond December 2009. The panel has dealt with the case on that basis.

Mr Hughes-Games has a previous good history. However, his actions were deliberate and he was not acting under duress.

The panel has considered the character reference provided by a former student. This confirmed that Mr Hughes-Games is always supportive of past students in their future careers and will always make time to offer advice or help. In addition, a reference from a former colleague states that Mr Hughes-Games was greatly liked and respected, not only by teachers he worked with, but also by the many students who grew to appreciate his extensive knowledge of plays, films and literature. Mr Hughes-Games states that no concerns about his behaviour had ever been raised about his conduct towards any other student and that, as a teacher, he was known for his concern for the well-being of all of his students.

The panel noted that Mr Hughes-Games stated that he was not a qualified teacher and had not received safeguarding training in any school he had worked. However, the panel notes that Mr Hughes-Games conduct continued despite receiving two written warnings regarding relationships with pupils. The panel has had regard to Mr Hughes-Games' final summary, but note that many of the submissions are not relevant to the allegations being considered.

The panel noted that Mr Hughes-Games states that he now realises that the relationship was wrong and an unwise decision on his part. From the evidence before the panel, Mr Hughes-Games must have appreciated that his conduct was wrong at the time given his denials to the Academy that he was in a relationship. Mr Hughes-Games stated that, at the start of the relationship, he entreated Pupil A, for the sake of his career, to wait until after she had left the Academy as he knew the potential cost to his career. He accepts that getting into the relationship was 'irresponsible, immoral and the wrong thing to do', but 'believed that the relationship would last.' He added that he 'thought the risks worth taking.'

The panel also noted that the record of the meeting in April 2009 stated that Mr Hughes-Games showed significant remorse and that he understood the possible implications with respect to the code of conduct outlined in the staff employment manual. He volunteered that he would terminate the relationship, but notwithstanding this, Mr Hughes-Games continued the relationship, resulting in the final written in July 2009. Despite this further warning, the relationship continued.

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 Hughes-Games.

The panel considered whether the public announcement of the panel's findings of unacceptable professional conduct and conduct that may bring the profession into disrepute would unacceptably compromise the achievement of the relevant objective (namely, the protection of the public interest) having regard to the severity of the consequences for Mr Hughes-Games. This case involves both sexual misconduct and dishonesty which, in the panel's view compromise the integrity of the profession.

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 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 dishonesty and serious sexual misconduct.

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 recommendation made by the panel in respect of both sanction and review.

Mr Hughes-Games admitted in the Statement of Agreed Facts that he was engaged in a sexual relationship with Pupil A until December 2009, and continued to engage in a sexual relationship with her whilst subject to the two formal warnings given in April and July 2009.

The panel have found all of the allegations proven, and that Mr Hughes-Games is guilty of unprofessional conduct and conduct that may bring the profession into disrepute.

I have taken into consideration the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found that Mr Hughes-Games is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Hughes-Games amounts to serious misconduct which falls significantly short of the standards expected of the profession. I agree with the panel's view.

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 my consideration of this case, I have reached the same conclusion as the panel.

I agree with the panel that a strong public interest consideration in declaring proper standards of conduct in the profession was also present, as the conduct found against Mr Hughes-Games was outside that which could reasonably be tolerated.

The panel has made a recommendation to me that Mr Hughes-Games should be prohibited from teaching. The panel considered the following to be 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

In my consideration of this case, I have weighed the various elements of the public interest alongside the interests of the teacher. Mr Hughes-Games volunteered that he

would terminate the relationship, yet the relationship continued, resulting in the final written warning in July 2009. Despite this further warning, the relationship continued.

For these reasons, I am accepting the recommendation of the panel that prohibition from teaching is both a proportionate and appropriate response. I am imposing a prohibition order on Mr Hughes-Games. In my judgement and having weighed all the issues and considered the published advice, I consider that to be proportionate and in the public interest.

I now turn to the matter of a review period. In considering this, I am mindful that the Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious dishonesty and serious sexual misconduct.

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.

I agree with the panel. In my view, it is both proportionate and appropriate that the prohibition order should be imposed with no opportunity for review.

This means that Mr Ben Hughes-Games 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 Hughes-Games 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 Hughes-Games 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 black ink, appearing to be 'JM', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 27 March 2017

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