



Teaching
Regulation
Agency

Mr Peter Nathan Smith: Professional conduct panel outcome

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

August 2018

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

Teacher: Mr Peter Nathan Smith

Teacher ref number: 9840742

Teacher date of birth: 11 April 1973

TRA reference: 10018

Date of determination: 23 August 2018

Former employer: Queen Elizabeth Grammar School, Wakefield

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 22 and 23 August 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Peter Nathan Smith.

The panel members were Ms Gail Goodman (teacher panellist – in the chair), Mr Geoffrey Penzer (lay panellist) and Mr John Armstrong (lay panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the TRA was Ms Louisa Atkin of Browne Jacobson LLP.

Mr Peter Smith 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 18 May 2018.

It was alleged that Mr Peter Smith was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. Whilst employed and / or engaged as a teacher at the Queen Elizabeth Grammar School, he engaged in an inappropriate relationship with Pupil A between late 2006 and September 2007 including by:
 - a. engaging in one or more discussions with Pupil A about his and/or his sexuality;
 - b. hugging Pupil A on more than one occasion;
 - c. kissing Pupil A on one or more occasions;
 - d. engaged in sexual activity with Pupil A on one or more occasions including:
 - i. in his office;
 - ii. in his home;
 - iii. during a trip to Tanzania in or around July 2007.
2. Whilst employed and/or engaged as a teacher at Kelly College and / or Batley Grammar School from September 2007 onwards, he engaged in an inappropriate relationship with Pupil A including by:
 - a. communicating with Pupil A via online messaging and/or text and/or phone on one or more occasions;
 - b. taking Pupil A shopping on one or more occasions;
 - c. buying gifts for Pupil A, including underwear;
 - d. giving and/or loaning money to Pupil A on one or more occasions;
 - e. allowing and/or having Pupil A to stay with him in Devon during the summer of 2008 and/or summer of 2009;
 - f. engaging in sexual activity with Pupil A including:
 - i. by engaging in mutual masturbation during one or more of the communications set out at 2a above;

ii. on one or more occasions in person.

3. His conduct as may be found proven at 1 and / or 2 above was conduct of a sexual nature and / or was sexually motivated.

In the absence of a response to the Notice of Proceedings dated 18 May 2018, all allegations were taken to be denied as were whether the conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered an application from Ms. Atkin to proceed in the absence of Mr Smith.

Ms Atkin confirmed that the Notice of Proceedings had been served on Mr Smith's last known address over 8 weeks prior to the first day of the hearing. Ms Atkin provided to the panel a bundle of supportive information, which included a tracing agent report from June 2017, which stated that Mr Smith had moved to the address to which the Notice of Proceedings had been sent in March 2017. A second tracing agent report dated 9th July 2018 stated that the address for Mr Smith remained the same as in the previous report and the agent's data sources confirmed that there was no suggestion that Mr Smith had moved.

Taking all of the above into account, the panel was satisfied that the service requirements of the rules had been satisfied.

In respect of proceeding in Mr Smith's absence, Ms Atkin directed the panel to the numerous efforts made by the TRA to contact Mr Smith by email, letter and telephone none of which had been responded to. Whilst Ms Atkin acknowledged that in response to an earlier Notice of Proceeding correspondence, Mr Smith had provided a response dated 11 September 2014 (and a further letter dated 21 October 2014) indicating his intention to attend the NCTL (as the TRA was), this intention was now nearly four years old and people's intentions do change. Ms Atkin also pointed out that whilst the previous substantive hearing had been adjourned prior to its commencement, Mr Smith was aware that the hearing would be relisted in due course and he had made no efforts to remain in contact with the NCTL/TRA or to find out about the new hearing date.

Ms Atkin also stated that the TRA's witness had attended the hearing in good time and was ready to give evidence.

In the panel's view, more than reasonable efforts had been made by the TRA to ensure that Mr Smith was aware of the hearing. Whilst no verbal contact had been made, several pieces of correspondence had been sent to Mr Smith's last known address, the

correspondence setting out the hearing dates and providing warnings of the repercussions were he to not attend the hearing.

The panel also noted that emails, which also provided the same warnings to Mr Smith regarding his absence, had been sent to the email address he provided in the 2014 response form.

In the panel's view, on balance, Mr Smith was aware of the hearing date and, by not attending nor suggesting he would attend at a future date, had deliberately absented himself and there would be no benefit in adjourning the hearing to possibly allow his attendance on a future date. These proceedings related to a course of events that commenced over a decade previously and the panel was keen to ensure that matters were concluded as expeditiously and fairly as possible.

In all the circumstances, the panel agreed to Ms Atkin's application for the hearing to proceed in Mr Smith's absence.

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 5

Section 2: Notice of Proceedings and Response – pages 7 to 14

Section 3: Teaching Regulation Agency witness statements – pages 16 to 17

Section 4: Teaching Regulation Agency documents – pages 19 to 163

Section 5: Teacher documents – pages 165 to 201

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

Witnesses

The panel heard oral evidence from

- Witness A, Police Officer, on behalf of the TRA.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Smith had been employed at Queen Elizabeth Grammar School ("the School") since September 1999 as a Religious Education teacher. Pupil A was a pupil within a class he taught for the academic year in 2006/7, at the end of which both were present on an authorised School trip for four weeks to Tanzania.

In the summer of 2007, Mr Smith moved schools but maintained contact with Pupil A, who had remained as a pupil at the School before attending university from September 2009.

Whilst at university, Pupil A confided in a friend, and then a counsellor, that he had been in a sexual relationship with Mr Smith both whilst he was a teacher at the School and in the time afterwards. At the counsellor's suggestion, Pupil A reported this relationship to the police, which led to Mr Smith's arrest and charge. Mr Smith was acquitted of all criminal charges in February 2013.

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. Whilst employed and / or engaged as a teacher at the Queen Elizabeth Grammar School, you engaged in an inappropriate relationship with Pupil A between late 2006 and September 2007 including by:**
 - a. engaging in one or more discussions with Pupil A about his and/or your sexuality.**
 - b. hugging Pupil A on more than one occasion.**
 - c. kissing Pupil A on one or more occasions.**

The panel did not hear any live evidence on these allegations but did have the benefit of viewing Pupil A's full Achieving Best Evidence ('ABE') interview from October 2010, when he was questioned at length and provided substantial detail of events.

In the panel's view, during the ABE, Pupil A gave evidence in a clear and consistent manner. Where some detail was lacking in some areas, the panel determined that this was entirely consistent with evidence of this nature being recounted some time after the events. Pupil A did not appear to exaggerate any of his evidence and, on many

occasions, was willing to accept his active role in the relationship with Mr Smith. Indeed, until his counsellor suggested reporting it to the police, Pupil A had no intention to do so.

Whilst the ABE was prepared for the benefit of the criminal proceedings, the panel was satisfied the subject matter of the interview was substantially the same as for the basis of the TRA proceedings. The panel also had sight of Pupil A's witness statement dated 7 October 2014, which was prepared for the purpose of these proceedings, and explains his reasons for not wishing to attend to give live evidence.

In this panel's view, which corresponds with an earlier panel decision at the June 2018 Case Management Hearing, Pupil A is clearly a vulnerable witness who has experienced significant stress since at least October 2010. It is entirely understandable why he would not wish to attend this hearing and his non-attendance is not held against him in any manner.

Having taken the above points into account, and reminded itself of the factors to be considered in the Civil Evidence Act 1995 regarding hearsay evidence, the panel has placed significant weight on the evidence of Pupil A given in the ABE interview. This view applies to all later allegations and any further reference to Pupil A's evidence, unless clarified, refers to his ABE interview.

In evidence, Pupil A explained that in late 2006 or early 2007, he began to experience bullying due to his sexuality and that he was repeatedly asked by Mr Smith to read aloud from the Bible in class.

Mr Smith had recognised that some bullying was happening and asked Pupil A if he needed to speak about it or his sexuality. This had taken place in Mr Smith's office, at the rear of his classroom, and at the end of the meeting, Mr Smith had offered Pupil A a hug by opening his arms. Pupil A explained he stepped into his arms and a reciprocal hug had taken place.

Meetings between Pupil A and Mr Smith continued throughout early 2007 and, around March 2007, during such a meeting Mr Smith put his lips together to signify a kiss and leant forward. A kiss did take place between the two, which was no more than a peck on the lips.

Mr Smith denied that anything inappropriate had taken place. The panel had the benefit of a short witness statement from him dated 21 October 2014, which said that any sort of physical touching would have been *"impossible to do without being seen"*.

The panel also had sight of the detailed summing up by the Crown Court Judge in February 2013 at Mr Smith's criminal trial. Whilst the panel did consider the summing up to only have limited weight due to it being an interpretation of the evidence heard at trial, it did provide useful corroborative evidence on some matters and also confirmed what facts had been agreed by Mr Smith and the basis for his defence, and questioning of the prosecution's witnesses, at trial.

For the reasons given earlier, the panel found Pupil A to be a credible witness on these issues and gave significant weight to his evidence. The panel did not determine there to be any persuasive reason as to why Pupil A would have made up any part of his evidence. In contrast, without giving any reason, Mr Smith has not participated in the hearing nor offered himself for cross-examination.

In the panel's view, Pupil A's evidence was clear on these allegations. In light of this, and the earlier opinion offered on his evidence, on balance, the panel preferred Pupil A's evidence over that of Mr Smith and therefore finds these three particulars proved.

d. engaged in sexual activity with Pupil A on one or more occasions including:

i. in his office

Pupil A gave evidence that the meetings in Mr Smith's office became more regular in occurrence and escalated in physicality to the extent that oral and anal sex took place on the floor of the office. This would sometimes happen before or just after gym sessions arranged in preparation for the School trip to Tanzania.

Mr Smith denied this allegation for the same reasons as for allegations 1a to c. The panel noted that there was reference in the Summing Up to ex-pupils giving evidence on Mr Smith's behalf, which corroborated his defence that such activity could not have taken place without being witnessed. The panel had sight of the signed witness statement of Individual A and unsigned statement of Individual B. The panel recognises that the activity was at a high-risk of being discovered but this, in itself, does not mean it did not happen.

For the reasons given previously, the panel placed significant weight on the evidence of Pupil A and preferred his version of events to those witnesses who had not attended to give evidence. For this reason we find this allegation proved.

ii. in his home

Pupil A's evidence on this allegation was that, on a number of occasions, he had been at Mr Smith's house as a babysitter for his two daughters. On at least one of these occasions, he and Mr Smith had gone upstairs to Mr Smith's bedroom and had anal sex on the bed.

Pupil A described Mr Smith's house and that he kept condoms in his bedroom table.

Mr Smith denied this allegation. The panel noted in the summing up, the judge stated that Mr Smith's evidence had been that his daughters were lively, would run around and it was entirely possible for them to enter the bedroom at any time. Mr Smith's wife had also given live evidence to the trial, which broadly appeared to corroborate that of Mr Smith. Again, the panel acknowledged that such activity was at high-risk of being discovered.

Again, the panel gave Pupil A's evidence considerable weight and preferred it to any evidence by a non-attending witness. Whilst Mr Smith's evidence at trial was corroborated by his wife, the panel placed little weight on this as the only material before it, on this point, was multiple hearsay. For similar reasons to allegation 1d(i), risky behaviour by Mr Smith, in itself, does not mean that such behaviour did not take place.

For these reasons, the panel find this allegation proved.

iii. during a trip to Tanzania in or around July 2007

It was an accepted fact that Mr Smith and Pupil A had been on a pre-arranged School trip to Tanzania in July 2007. The trip lasted for approximately four weeks.

Pupil A gave evidence that sexual relations, including oral and anal sex, took place during this trip in Mr Smith's bedroom. This had happened four or five times, each occasion lasting for around fifteen minutes.

Mr Smith denied this allegation. Again, the panel noted that at the trial, Individual C, an adult supervisor on the trip, gave evidence that such relations could not have taken place as she had shared a room with Mr Smith and would have noticed if he had been away from the group for fifteen minutes.

For the reasons given before, the panel gave weight to Pupil A's evidence and preferred it over witnesses who were not present before it. In the panel's view, on a four week trip away, for Individual C to suggest she would have noticed if Mr Smith had been away for any fifteen minute period was not credible.

For these reasons, the panel finds this allegation proved.

2. Whilst employed and/or engaged as a teacher at Kelly College and / or Batley Grammar School from September 2007 onwards, you engaged in an inappropriate relationship with Pupil A including by:

a. communicating with Pupil A via online messaging and/or text and/or phone on one or more occasions

Pupil A gave evidence that after Mr Smith left the School, they remained in contact via text messaging, telephone and MSN messaging from 2007 onwards. At his criminal trial, Mr Smith accepted such communication had taken place.

In the panel's view, maintaining such a relationship with a pupil or ex-pupil of school age as Pupil A was until September 2009, crossed professional boundaries and was inappropriate.

The panel therefore finds this allegation proved.

b. taking Pupil A shopping on one or more occasions

Pupil A gave evidence that he would go shopping with Mr Smith to various places, including Leeds. This had taken place around Christmas 2007. Mr Smith accepted at his trial that this had taken place.

In the panel's view, maintaining such a relationship with a pupil or ex-pupil of school age as Pupil A was until September 2009, crossed professional boundaries and was inappropriate.

The panel therefore finds this allegation proved.

e. allowing and/or having Pupil A to stay with him in Devon during the summer of 2008 and/or summer of 2009

Pupil A's evidence was that during these two periods of time, he had been to Mr Smith's property in Devon with the full consent of his parents. Mr Smith accepted that this had taken place.

In the panel's view, maintaining such a relationship with a pupil or ex-pupil of school age as Pupil A was until September 2009, crossed professional boundaries and was inappropriate.

The panel therefore finds this allegation proved.

3. His conduct as may be found proven at 1 and / or 2 above was conduct of a sexual nature and / or was sexually motivated.

In relation to the particulars of conduct found proved in allegation 1, it is inherent that each one, which either led to or involved sexual acts, is both sexual in nature and activity and the panel finds the allegation proved in that respect.

In relation to allegation 2, and in the context of allegation 1, on balance the panel finds proved that there was sexual motivation behind Mr Smith's conduct. The panel did not find there to be specific particulars in the evidence of conduct of a sexual nature and does not find allegation 2 proved to that extent.

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

2c. buying gifts for Pupil A, including underwear;

2d. giving and/or loaning money to Pupil A on one or more occasions;

2f. engaging in sexual activity with Pupil A including:

i. by engaging in mutual masturbation during one or more of the communications set out at 2a above;

ii. on one or more occasions in person.

In the panel's view, for a relationship between a teacher and pupil to be inappropriate, a prerequisite condition is that both must be either at the same school or the pupil still of school age.

Whilst there is clear and accepted evidence that the above factual events did take place, they did so after Pupil A had left school and was an adult student at university.

Whilst the panel did not determine the relationship when Pupil A was at university to be necessarily appropriate, in the panel's view, there was not sufficient proximity to the teacher/pupil relationship for the TRA to have proved it to have been inappropriate. On this basis, we do not find these particulars of allegation 2 proved.

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

The panel is satisfied that the conduct of Mr Smith in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Smith 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 Smith amounts, on each proven particular, to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Smith's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and we the panel has found that the offence of sexual activity to be present.

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 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 panel finds that Mr Smith's proven conduct amounts to both unacceptable professional conduct and conduct which 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 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 protection of other members of the public;
- 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 Smith, which involved entering into an inappropriate, sexual relation with a pupil, there is a strong public interest consideration in ensuring that pupils, and indeed other members of the public, be protected. Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Smith was 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 present as the conduct found against Mr Smith 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 Smith, who has not participated in these proceedings, nor indicated he has any interest in remaining as a teacher.

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 Smith. 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 involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. In light of the panel's findings, Mr Smith's actions were clearly deliberate and he was not acting under any duress. Whilst he did previously have a good history, the panel gave this minimal weight in the context of the other factors and seriousness of his misconduct.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary, intelligent citizen recommending no prohibition order is not 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 Smith. Ensuring pupils are protected in the future was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the 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 a review period being recommended. One of the behaviours is that of serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons.

The panel has found that Mr Smith has been responsible for engaging in a sexual relationship with a vulnerable pupil over at least a two year period and has expressed no remorse nor accepted any culpability for the effect his actions have had on Pupil A, his family and wider community.

As shown by Mr Smith's complete denial to all allegations, he has demonstrated no insight into his actions, for which he has had over a decade to evidence, nor suggested that any remediation has taken or will take place.

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 of the panel in respect of sanction and review period.

In considering this case, I have also 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 a number of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has not found certain allegations proven I have put those matters from my mind. In addition, where the panel has found that for some of the proven allegations they do not amount to sexual misconduct, then I have

been careful to treat those findings appropriately. The panel has made a recommendation to the Secretary of State that Mr Smith should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr Smith 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.

I have also noted that the "panel has found that the offence of sexual activity to be present."

The findings of misconduct are particularly serious as they include a finding of sexual activity.

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 Smith, 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 Smith's behaviour, "involved entering into an inappropriate, sexual relation with a pupil." 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, "has expressed no remorse nor accepted any culpability for the effect his actions have had on Pupil A, his family and wider community."

The panel has also commented on Mr Smith's "complete denial to all allegations, he has demonstrated no insight into his actions, for which he has had over a decade to evidence, nor suggested that any remediation has taken or will take place."

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the future well being of pupils. 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, "there is a strong public interest consideration in ensuring that pupils, and indeed other members of the public, be protected." I am particularly mindful of the finding of serious sexual misconduct in this case and the impact that such a finding has on the reputation 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 Smith himself. The panel found that Mr Smith, "did previously have a good history."

A prohibition order would prevent Mr Smith from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse.

I have also placed considerable weight on the finding of the panel that Mr Smith, "has been responsible for engaging in a sexual relationship with a vulnerable pupil over at least a two year period."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Smith has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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 the prohibition should apply with no provision for a review period.

I have considered the panel's comments, "Mr Smith's complete denial to all allegations, he has demonstrated no insight into his actions, for which he has had over a decade to evidence, nor suggested that any remediation has taken or will take place."

I have considered whether allowing for no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that to allow for no review period is necessary to achieve the aim of maintaining public confidence in the profession. These elements are the serious sexual misconduct found, the vulnerability to the pupil and the complete lack of insight or remorse.

I consider therefore that a prohibition order with no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Peter Smith 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 Peter Smith 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 Peter Smith has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Alan Meyrick

Date: 24 August 2018

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