



Teaching  
Regulation  
Agency

# **Mr Russell Andrew Monk: Professional conduct panel outcome**

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

**September 2018**

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

**Teacher:** Mr Russell Andrew Monk

**Teacher ref number:** 0054823

**Teacher date of birth:** 18 September 1979

**TRA reference:** 10540

**Date of determination:** 6 September 2018

**Former employer:** Box Hill School, Surrey

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 3 to 6 September 2018 at Cheylesmore House, 5 Quinton Rd, Coventry, CV1 2WT to consider the case of Mr Russell Monk.

The panel members were Mr John Matharu (lay panellist – in the chair), Ms Gail Goodman (teacher panellist) and Ms Fiona Tankard (teacher panellist).

The legal adviser to the panel was Ms Zeena Williams of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the Agency was Ms Samantha Paxman of Browne Jacobson LLP solicitors.

Mr Russell Monk 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 July 2018.

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

1. In or around September/October 2011, whilst attending a school trip to the New Forest, he touched one more pupils on the genital and/or groin area, in particular he:
  - a. instructed Pupil B to lie next to him and touched and/or tapped his genital/groin area;
  - b. instructed Pupil C to lie on top of him and rubbed and/or touched Pupil C on the chest and/or genital/groin area;
2. In or around September/October 2012, whilst attending a school trip to the New Forest, he instructed Pupil A to get into his sleeping bag and touched his chest and/or genital/groin area.
3. In or around October/November 2012, during the School's 'Fright Night' event, he hugged Pupil E and/or touched his genital/groin area.
4. On one occasion between March - May 2013, whilst one or more pupils were camping on the School's grounds, he:
  - a. invited Pupil E into his flat and/or home, within the School's grounds;
  - b. whilst Pupil E was in his flat and/or home, he touched Pupil E's chest and/or groin/genital area.
5. In or around June 2013, whilst one or more pupils were camping on the School's grounds, he touched Pupil E on the groin/genital area.
6. His conduct as alleged in allegations 1 to 5, if proven, was sexually motivated.

Mr Monk disputed the allegations and that as a result, this amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## C. Preliminary applications

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

The panel determined to exercise its discretion under paragraph 4.29 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (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.

In making its decision, the panel noted that the teacher may (and in this case did) waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the cases of *R v Jones* [2003] 1 AC1 and *Tait v Royal College of Veterinary Surgeons* [2003] UKPC 34. Mr Monk was provided with 8 weeks notice of the hearing and he responded to the Agency to indicate that he did not wish to attend and that the hearing should proceed in his absence, as indicated by an email contained at page 15 of the hearing bundle. 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 requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing’s taking place. There was no indication that an adjournment had been requested by Mr Monk or that an adjournment might have resulted in his attending the hearing.

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 and the seriousness of the allegations against him. The panel’s concerns were, however, allayed by the fact that it had, contained in the bundle, the teacher’s response to the allegations and that it would be able to take this into account at the relevant stage. The panel noted that a number of witnesses relied upon by the Agency were to be called to give evidence, in particular Pupils B and C, and that 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 was also able to exercise vigilance in making its decision, taking into account the degree of risk of reaching the wrong decision as a result of not having heard the teacher’s account.

The panel also noted that there were number of vulnerable and child witnesses due to attend the hearing, who were prepared to give evidence, and that it would be inconvenient and distressing for them to return again.

Finally, 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 was possible; and taking account of the inconvenience an adjournment would cause to

the witnesses; that on balance, these were serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of continuing the hearing.

The panel subsequently heard an application from the presenting officer for the categorisation of a number of witnesses as vulnerable or child witnesses.

The panel directed that Pupils A, B and C were to be treated as vulnerable witnesses since the panel was satisfied that the allegations against Mr Monk were of a sexual nature and the relevant pupils were the alleged victims, which may have had an impact on their evidence. In addition, in respect of Pupil A, as he would be under the age of 18 at the start of the hearing, he could therefore also be classed as a child witness. The witnesses were therefore known in the proceedings as Pupils A, B and C. A previous case management hearing had already allowed for Pupil E to be treated as a vulnerable and child witness.

The panel carefully considered whether the pre-recorded police interview videos should be admitted for Pupils A, B and C (as above, Pupil E's police interview having already been admitted). The panel considered its obligation to ensure that the teacher was not put at an unfair disadvantage, balanced against its duty in the public interest to investigate the allegations in so far as it was possible to do so, consistent with fairness to Mr Monk. The panel also considered the teacher's representative's strong objections to the use of this evidence as set forward in her email of 10 August 2018. The panel took into account the fact that whilst this evidence was sufficient to have justified proceeding with a jury trial, Mr Monk was found not guilty in respect of the relevant charges and that the panel had before it, the summings-up of the respective judges and Mr Monk's own response to the allegations, which sought to test this evidence.

The panel also took into account that there may be subtleties of tone or body language that may be lost via the medium of video, but was satisfied that such factors could be taken into account by the panel when assessing the weight it attributed to such evidence for Pupil A. In respect of Pupils B and C, they would be attending to give evidence in addition to the video evidence, and this was therefore not as relevant in respect of those witnesses.

The panel was satisfied that its duty to investigate the allegations was such that it directed that the pre-recorded police interviews for Pupils A, B and C may be admitted as evidence.

Finally, the panel considered an application that the video interviews be viewed in private.

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Procedures to exclude the public from that part of the hearing. The panel determined to exercise its discretion under paragraph 11(3)(a) of the Regulations and the

third bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of the proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the request for the pre-recorded police interviews of the vulnerable / child witnesses to be heard in private, was a reasonable one given the need to protect the interests of those witnesses. The panel considered whether there were any steps short of excluding the public that would serve the purpose of protecting the interest of those witnesses, but considered that this was not possible.

The panel did have regard to whether hearing the video evidence in private ran contrary to the public interest. The panel is required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continued, any decision of the Secretary of State would also be in public. The panel considered that in the circumstances of this case, where there were vulnerable and child witnesses, the public interest would be satisfied by these public announcements. Those public announcements would ensure that public confidence in these proceedings and in the standards of the profession would be maintained.

## **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 15

Section 3: Teaching Regulation Agency witness statements – pages 17 to 24

Section 4: Teaching Regulation Agency documents – pages 25 to 323

Section 5: Teacher documents – pages 325 to 368

In addition, the panel agreed to accept the following:

Additional documents relating to the absence of Pupil A – pages 369 to 379

The pre-recorded police video interviews as follows:

Video recorded police interview of Pupil A - Exhibit A

Video recorded police interview of Pupil B - Exhibit B

Video recorded police interview of Pupil C - Exhibit C

Video recorded police interview of Pupil E - Exhibit E

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

## **Witnesses**

In addition to reviewing Exhibits A to E, the panel heard oral evidence from 2 witnesses called by the presenting officer:

Pupil B

Pupil C

## **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 Monk had been employed at Box Hill School ('the School') since 2003 as a science teacher. He later became a director of outdoor education at the school in 2009. As part of this role, Mr Monk was responsible for expeditions including the annual Year 7 trip to the New Forest, other trips in Years 7, 8 and 9, outdoor education activities such as camping, and events such as adventure nights and "Fright Night". It is alleged that in undertaking this role, Mr Monk put himself in a number of situations where he was alone with pupils, without another teacher present. It is alleged by a number of pupils that during various outdoor education activities, Mr Monk created opportunities in which to touch them inappropriately and in particular on the chest, genital and groin area. These occasions arose after asking the pupils whether they were cold and suggesting that they sleep with, on and/or near him to keep warm, in some circumstances inside a sleeping bag with Mr Monk. These allegations subsequently came to light in 2013 and were the subject of two separate criminal trials which found Mr Monk not guilty. Mr Monk was subsequently dismissed by the School in 2017 for breaches of safeguarding policy. Mr Monk disputes that the facts which gave rise to the allegations occurred and that as a result, he was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **Findings of fact**

The panel's findings of fact are as follows:



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

- 1. In or around September/October 2011, whilst attending a school trip to the New Forest, you touched one more pupils on the genital and/or groin area, in particular you:**
  - a. instructed Pupil B to lie next to you and touched and/or tapped his genital/groin area;**

In considering allegation 1(a), the panel considered and placed significant weight on the live evidence of Pupil B and the fact that, as a panel, it had been able to rigorously cross-examine the witness in respect of his evidence. In making its decision, the panel also took account of Pupil B's witness statement as contained in the bundle, his pre-recorded police interview and his evidence at the hearing as to the impact the disclosure of the incident had had on him, throughout his teenage years.

The panel took into account the fact that Pupil B's version of events was not identical, but was similar to that of the other witnesses who had made allegations against Mr Monk. The panel's belief was that this was consistent with the suggestion that it was therefore less likely that there had been collusion between the witnesses. In considering the evidence, the panel also had regard to the discrepancy between the version of events, as put forward by Pupil B and Pupil C, regarding any possible discussions between the pupils regarding what had happened the night before, the day after the alleged incidents in September/October 2011. The panel was, however, satisfied that the passage of time between the actual incidents and the disclosure to the police would be sufficient to affect the memories of those witnesses in respect of what happened. This was especially the case given that the subsequent discussion could be seen as a more 'minor' issue, in comparison with the alleged incidents. Furthermore, Pupil B also gave evidence that he had downplayed the incident in his own mind and had been determined to "forget it" and "didn't think about it". As a result, the panel was satisfied that the discrepancy of accounts regarding a brief discussion the day after the incidents, did not impact on Pupil B and Pupil C's credibility as witnesses.

In addition, in relation to allegation 1(a), weight was placed on the fact that Pupil B had attended both the criminal trial and the Agency hearing, and that his evidence had remained consistent throughout an almost 7 year period.

Therefore the panel found allegation 1(a) proven.

- b. instructed Pupil C to lie on top of you and rubbed and/or touched Pupil C on the chest and/or genital/groin area;**

As above, in considering allegation 1(b), the panel considered and placed considerable weight on the live evidence of Pupil C and the fact that, as a panel, it had been able to rigorously cross-examine the witness in respect of his evidence. In making its decision,

the panel also took account of Pupil C's witness statement as contained in the bundle and his pre-recorded police interview.

The panel found Pupil C to be convincing, in particular in respect of his description as to the difficulties he has faced since coming forward with his evidence, and the fear he experiences when seeing anyone who has facial similarities to Mr Monk in normal day-to-day life. Pupil C was also found to be credible in admitting to the panel that he was both a joker and an attention seeker, but that the attention received as part of coming forward with the allegation, was "not attention [he] wanted".

As above, the panel considered the fact that Pupil C's account was not identical, but similar to Pupil B's, to assist in distinguishing between the two accounts and assessing the credibility of each witness's version of events. Weight was also placed on the fact that Pupil C had attended both the criminal trial and the Agency hearing, and that his evidence had remained consistent throughout.

Finally, Pupil C was very firm in stating that the facts put forward were "the truth", and the conviction Pupil C showed when making this statement was found to be very compelling for the panel.

Therefore the panel found allegation 1(b) proven.

**2. In or around September/October 2012, whilst attending a school trip to the New Forest, you instructed Pupil A to get into your sleeping bag and touched his chest and/or genital/groin area.**

The panel found allegation 2 proven, having viewed the pre-recorded police interview of Pupil A and taken into account his witness statement, as set out at pages 17 to 19 of the hearing bundle.

Whilst the panel was dismayed at the fact that Pupil A and his parents felt it impossible for Pupil A to attend to give evidence in person, which did affect the overall weight to be placed on his evidence, it was considered that, on balance, Pupil A was a reliable and credible witness. This was particularly the case, given the fact Pupil A's evidence has been consistent throughout the period of time since the incident occurred, during the original trial, and the subsequent retrial, in respect of the incidents involving Pupil A.

This position was further supported by the fact that other pupils gave evidence as part of the criminal trial supporting the account of Pupil A, with regard to Mr Monk's asking the pupils whether they were cold and suggesting they get into his sleeping bag.

Therefore the panel found allegation 2 proven, on the balance of probabilities.

**4. On one occasion between March - May 2013, whilst one or more pupils were camping on the School's grounds, you:**

**a. invited Pupil E into your flat and/or home, within the School's grounds;**

The panel believe allegation 4(a) to be admitted in part by Mr Monk during the school's disciplinary appeal hearing, as Mr Monk's version of events, as set forward in the hearing bundle, was that he did in fact let Pupil E and another pupil into his house the morning after the alleged incident (as set out at allegation 4(b)), because they had been rained on and were wet.

The panel's view is that these actions amounted to inviting Pupil E into his flat and/or home, which was within the School's grounds.

As a result, allegation 4(a) is found proven.

**b. whilst Pupil E was in your flat and/or home, you touched Pupil E's chest and/or groin/genital area.**

Having found allegation 4(a) proven, and considering both the hearsay evidence of Pupil E as set out in his pre-recorded police interview, and the secondary hearsay evidence of another pupil who was camping with Pupil E on that occasion, the panel found, on the balance of probabilities, allegation 4(b) proven.

In particular, regard was had to the fact that the other pupil, who was described as being "in with the teachers" gave evidence as part of the criminal trial, that he had awoken in the tent to find Pupil E not there, and had therefore gone to Mr Monk's apartment to find him, and it was in Mr Monk's apartment, that Pupil E was apparently located. This was found to be persuasive by the panel. The panel's view was that this meant that it was more likely than not, that Pupil E's evidence in respect of this incident, as put forward to the police, was credible.

Therefore the panel found allegation 4(b) proven, on the balance of probabilities.

**5. In or around 2013, whilst one or more pupils were camping on the School's grounds, you touched Pupil E on the groin/genital area.**

Having considered the pre-recorded police interview of Pupil E, the secondary hearsay evidence of other pupils who were there at the time of the alleged incident, the subsequent disclosure by Pupil E a few days later to a teacher, and consequently the disclosure to the police, the panel found allegation 5 proven, on the balance of probabilities.

In coming to this decision, the panel had regard to the weight to be placed on the various hearsay evidence contained in the bundle and what weight should ultimately be given to the evidence of Pupil E, particularly having found allegation 3 not proven, but considered

that the fact of the subsequent disclosures meant that it was more likely than not, that the incident occurred.

This was particularly the case, given Pupil E's certainty regarding the events that occurred that night and the way in which he was man-handled by Mr Monk, which came across more clearly in his evidence to the police, than in respect of any earlier alleged incidents.

Taking all of this into account, and considering the standard of proof by which the panel must measure the evidence before it, the panel found allegation 5 proven.

### **6. Your conduct as alleged in allegations 1 to 5, if proven, was sexually motivated.**

In respect of allegations 1, 2, 4 and 5, which have been found proven, the panel found the allegation of sexual motivation proven on the balance of probabilities. This was considered to be clearly the case, given that sexual motivation can be inferred from Mr Monk's conduct, and in particular, the touching of a number of pupils on the genital/groin area, in some respects for several minutes.

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

### **3. In or around October/November 2012, during the School's 'Fright Night' event, you hugged Pupil E and/or touched his genital/groin area.**

The panel considered the pre-recorded video evidence of Pupil E, alongside other evidence in respect of the Fright Night in 2012.

Having considered this evidence in some depth, the panel found some inconsistencies in Pupil E's account of the events of the evening of the Fright Night. In particular, Pupil E stated at first that Mr Monk did not succeed in touching his genital/groin area, but only 'attempted' to do so over a 40 minute period, during which Pupil E fidgeted in order to avoid being touched inappropriately. However, further into the police interview, Pupil E stated that he had been touched by Mr Monk in the genital/groin area and that this alleged 'touching' lasted for 40 minutes in total.

The panel also considered the secondary hearsay of another pupil, as set out in the judge's summing up in the first criminal trial, who stated that he "didn't see [Mr Monk] next to [Pupil E] in any way that caused suspicion or caused concern to him at any point".

Given the inconsistency of accounts of that night, and the discrepancy within Pupil E's own evidence, the panel found that it was unable to find allegation 3 proven.

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

Having found a number of the allegations to have been proven, the panel 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 refers to as “the Advice”.

The panel was satisfied that the conduct of Mr Monk in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Monk 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 proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Monk fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Monk’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of sexual activity was 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.

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

The panel also 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 Monk's actions constituted unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct 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 was an appropriate and proportionate measure, and whether it was 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 considered the particular public interest considerations set out in the Advice, and having done so, 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 Monk which involved findings of sexual misconduct against pupils of a young age, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of sexual misconduct and inappropriate relationships with children.

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

The panel also 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 Monk 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 Monk.

In carrying out the balancing exercise, the panel considered the public interest factors both in favour of and against prohibition as well as the interests of Mr Monk, particularly given his absence at the hearing. 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;
- 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;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

Even though there were behaviours that would point to the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case. Whilst the panel found that Mr Monk did have a previously good record prior to these allegations, as put forward in his own evidence, the witness statement of a colleague and the secondary hearsay of a number of former pupils and/or their parents, it was of the belief that no mitigation would be sufficient to justify not imposing a prohibition order in respect of actions involving sexual misconduct in relation to young pupils.

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 was 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 was sufficient in this case would unacceptably compromise the public interest considerations present, despite the severity of consequences for the teacher of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Monk. The potential for this to happen again to another pupil 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 indicates 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 the recommendation of a review period. One of these behaviours is 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 Monk has committed several acts of serious sexual misconduct given the allegations found proven, which relate to touching pupils on the groin/genital area, whilst they were in his care.

The panel appreciated that in the absence of Mr Monk, it was not able to hear arguments in respect of any possible insight and remorse on his behalf, but found that given the allegations found proven, this would have been unlikely to have resulted in the imposition of a less serious sanction.

The panel therefore 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 no 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 the allegations 1, 2, 4, 5 and 6 proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where facts have not been found proven I have put these matters from my mind. The panel has made a recommendation to the Secretary of State that Mr Monk should be the subject of a prohibition order, with no review period.

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

The panel finds that the conduct of Mr Monk fell significantly short of the standards expected of the profession.

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

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 Monk, 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, "In light of the panel's findings against Mr Monk which involved findings of sexual misconduct against pupils of a young age, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of sexual misconduct and inappropriate relationships with children." A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "The panel appreciated that in the absence of Mr Monk, it was not able to hear arguments in respect of any possible insight and remorse on his behalf, but found that given the allegations found proven, this would have been unlikely to have resulted in the imposition of a less serious sanction." In my judgement the lack of evidenced insight means that there is some risk of the repetition of this behaviour and this risks future pupils' safety. 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found

against Mr Monk were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of 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 Monk himself. The panel comment it, “found that Mr Monk did have a previously good record prior to these allegations, as put forward in his own evidence, the witness statement of a colleague and the secondary hearsay of a number of former pupils and/or their parents”

A prohibition order would prevent Mr Monk from continuing in the teaching profession. A prohibition order 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 possible mitigation. The panel has said, “it was of the belief that no mitigation would be sufficient to justify not imposing a prohibition order in respect of actions involving sexual misconduct in relation to young pupils.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Monk 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, insight or mitigation 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 a no year review period.

I have considered the panel’s comments, “The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. One of these behaviours is 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 Monk has committed several acts of serious sexual misconduct given the allegations found proven, which relate to touching pupils on the groin/genital area, whilst they were in his care.”

I have considered whether a 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, in light of the serious nature of the misconduct found proven and the lack of evidenced insight or remorse I agree with the panel that no review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Russell Monk 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 Monk 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 Monk 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 read 'Dawn Dandy', with a stylized, sweeping flourish at the end.

**Decision maker: Dawn Dandy**

**Date: 10 September 2018**

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