



Teaching  
Regulation  
Agency

# **Mr Gareth Rees: Professional conduct panel outcome**

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

**April 2021**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	7
Documents	7
Witnesses	7
Decision and reasons	7
Findings of fact	8
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	15

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

<b>Teacher:</b>	Mr Gareth Rees
<b>Teacher ref number:</b>	1052042
<b>Teacher date of birth:</b>	26 March 1989
<b>TRA reference:</b>	16308
<b>Date of determination:</b>	9 April 2021
<b>Former employer:</b>	Westbourne House School, West Sussex

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 8 April 2021 to 9 April 2021, to consider the case of Mr Gareth Rees.

The panel members were Mr Roger Woods (former teacher panellist – in the chair), Ms Nicola Hartley (lay panellist) and Ms Claudette Salmon (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

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

Mr Rees was represented by Mr Adrian Poole of Porter Dodson solicitors but neither Mr Rees nor Mr Poole were present at the hearing.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 11 February 2021.

It was alleged that Mr Rees was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at the Westbourne House School in West Sussex:

1. On one or more occasions in the period between approximately October 2016 to February 2017, he engaged in activity which was inappropriate and/or demonstrated a sexual interest in children in that he;
  - a. accessed, possessed and/or exchanged;
    - i. one or more indecent images of children;
    - ii. a 'paedophile handbook';
  - b. searched for material online using the term
    - i. 'young nudist';
    - ii. 'pederasty';
    - iii. 'pre-teen';
  - c. engaging in a discussion on social media related to children/pupils engaging in sexual activity;
  - d. stated in a discussion on social media "That's so naughty... But im [sic] turned on by it...is that wrong" or using words to that effect when it was suggested that he join in with children/pupils engaging in sexual activity with one another;
  - e. failed to notify the police and/or any other agency as to the presence of the material described at 1a(i) –(ii) above online;
- 2 His behaviour as may be found proven at 1a and/or 1b and/or 1c and/or 1d above was conduct of a sexual nature and/or was sexually motivated.

Mr Rees has not admitted the allegations, nor that they constituted unacceptable professional conduct and/ or conduct that may bring the profession into disrepute.

## Preliminary applications

The panel has considered whether this hearing should continue in the absence of the teacher.

The panel is satisfied that the TRA has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complied with paragraph 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the “Procedures”). With regard to compliance with paragraph 4.11 of the Procedures, the notice was sent to Mr Rees by post on 11 February 2021 and emailed to him on 17 February 2021. On 4 March 2021, when the TRA enquired whether another letter dated 12 February 2021 regarding the hearing proceeding virtually had been received, Mr Rees stated that he had “not received any recent ones” and did “not wish to receive anymore [sic] correspondence of ANY kind. Including the outcome [sic]”. On 8 March 2021, Mr Rees was told of the risk of the Professional Conduct Panel adjourning the hearing if it considered Mr Rees had not had sufficient notice. Mr Rees replied “That is fine. I waive my right to receive 8 weeks’ notice”. The panel is satisfied that Mr Rees has waived his right to receive 8 weeks’ notice. Paragraph 1.4 of the Procedures enable the teacher and the presenting officer to reach agreement to waive any procedures or requirements set out in the Procedures, provided that such a waiver is not contrary to the interests of justice. The panel did not consider that Mr Rees’ waiver of his entitlement to receive 8 weeks’ notice was contrary to the interests of justice.

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

The panel has taken as its starting point the principle from R v Jones that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis.

In making its decision, the panel has noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of R v Jones.

The panel could not be sure whether Mr Rees had received the notice sent by post, but the panel was content that Mr Rees had received the notice sent by email since it was sent to the same email address that he has used to correspond with the TRA. Mr Rees is fully aware of when the hearing is taking place and that it is being convened virtually. On 29 June 2020, Mr Rees’s representative made submissions that Mr Rees “has a history of [REDACTED] and does not feel able to participate in the proposed proceedings. Doing so is likely, we understand, to [REDACTED]”. The letter continued “he has offered to accept a prohibition order purely on the basis that he had assessed his future as not being within the profession. That offer has been rejected but continues to stand hence he

is not going to take an active part in opposing these proceedings, but wants them resolved forthwith.... He has elected not to participate in these proceedings further...". In recent emails, Mr Rees has said "I will not be attending. As these fictitious accusations have already caused [REDACTED]." The panel therefore considers that the teacher has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place. No adjournment has been sought to enable Mr Rees to participate in the proceedings.

In light of the above comments from Mr Rees and his representative, the panel did not consider there to be any prospect of an adjournment resulting in Mr Rees attending voluntarily. The panel does not know how long it would be until the case could be heard, in the event that it was adjourned and re-listed, but did not consider anything would be achieved by such an adjournment, particularly given the request that the matter be resolved "forthwith".

Mr Rees is legally represented, and with the benefit of legal advice has asked for the matter to be dealt with in his and his representative's absence.

The panel has the benefit of representations made by the teacher and is able to ascertain the lines of defence. The case will proceed as a disputed case, and the panel will have to consider whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

Although Mr Rees's representative has referred to Mr Rees' history of [REDACTED], no evidence has been adduced attesting to his fitness to participate in these proceedings, or that an adjournment would enable him to participate at a future date.

The panel has recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. Allegations of this nature need to be determined to assure the public that action is being taken promptly in the event of the allegations being found proven. The panel notes that Mr Rees is also anxious for this matter to be concluded.

A short adjournment will not affect the memory of the witnesses, since there are no witnesses to be called. However, the hearing has been convened with the attendance of panellists, legal adviser and presenting officer at the expense to the public purse, which

would be wasted if the hearing was adjourned without any prospect of Mr Rees attending a future hearing.

The panel has decided to proceed with the hearing in the absence of the teacher. The panel considers that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience that an adjournment would cause; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

## **Summary of evidence**

### **Documents**

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Chronology – page 2

Section 2: Notice of Proceedings and response – pages 3 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 55

Section 4: Teaching Regulation Agency documents – pages 56 to 111

Section 5: Teacher documents – pages 112 to 114

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

### **Witnesses**

The panel heard no oral evidence.

### **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Mr Rees had been employed as a Year 4 teacher at Westbourne House School ("the School"). On 14 March 2017, Mr Rees was arrested and interviewed by the police. A trial took place on 19 December 2017 and Mr Rees was found not guilty. On 22 March 2017, Mr Rees ceased his employment at the School following his resignation.

## Findings of fact

The findings of fact are as follows:

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

- 1. On one or more occasions in the period between approximately October 2016 to February 2017, you engaged in activity which was inappropriate and/or demonstrated a sexual interest in children in that you;**
  - a. accessed, possessed and/or exchanged:**
    - i. one or more indecent images of children;**
    - ii. a ‘paedophile handbook’;**

An investigator for Surrey police gave a written statement which confirmed that two category A and five category B indecent images of children had been located on Mr Rees’s Sony mobile phone.

The police occurrence enquiry log report contains a summary of an interview with Mr Rees, attended by the investigator who has provided a witness statement for these proceedings. This records that Mr Rees had stated that he joined adult groups where he would see images within the chat site. When he was not comfortable with the images which he described as “age questionable”, he would leave. He described having seen chat about young children but would remove himself. He referred to seeing some images on his device that he described as having been downloaded unintentionally and which he would delete straight away. He stated that he believed he had seen category B and C images whilst he downloaded adult pornography, which he deleted.

A statement from a digital forensic analyst stated that there was no evidence to show how the images found on Mr Rees’s mobile phone came to be present there. However, one of the category A images was a moving image which was found within the Download folder. The other images were thumbnails which represent larger versions of the images which it is stated, have, at some point been present on the device. The full versions of those images could not be recovered, and that could be because they were no longer present on the device, for example if they had been deleted.

Given Mr Rees’s explanation of his online activity, the thumbnail and the downloaded moving image located on his mobile phone, the panel considered that Mr Rees had accessed and/or possessed one or more indecent images of children. He engaged in his online activity in the knowledge that it had on more than one occasion given rise to images that Mr Rees himself described to the police in his interview as being “age questionable” “young”, “girl around 13 years old” and this was inappropriate.

The summary of Mr Rees’s police interview states that he said that he saw a ‘paedophile handbook’, that he “opened it up and then 2 mins later closed it down. He did not



download it. It was horrible”. The investigator from Surrey Police has confirmed in her statement that Mr Rees stated this in interview. The panel has therefore found it proven that Mr Rees accessed and/or possessed a ‘paedophile handbook’. Opening such a ‘handbook’ was inappropriate and at the very least risked demonstrating a sexual interest in children.

The particulars of allegation a. has therefore been found proven in its entirety.

**b. searched for material online using the term**

- i. ‘young nudist’**
- ii. ‘pederasty’**
- iii. ‘pre-teen’**

The investigator for Surrey Police has provided a written statement confirming that Mr Rees stated during his interview with her that he had googled “PTHC” (Pre-Teen hard core) and ‘preteen’ around 2015/16 to see what they meant as they had come up on conversations in a chat site app.

The investigator went on to state that the Sony mobile phone seized from Mr Rees’s address “contained a search for ‘young nudist’ at 13:06 on 28 December 2016 and a search for ‘pederasty’ at 20:18 12 February 2017”. The panel noted that there was no contemporaneous evidence of these searches having been found on Mr Rees’s mobile phone. However, the panel considered the investigator’s evidence to be compelling given the specifics that she had been able to provide in her statement as to the date and times that the searches had been carried out. Furthermore, the panel noted that the summary of Mr Rees’s police interview states that he “used to be a member of the British Naturalist [sic] site as he was interested in this area...he had carried our research/ locations due to his interest”. This corroborated the likelihood of the search term “young nudist” having been used by Mr Rees.

It was therefore more probable than not that Mr Rees had used these search terms.

The panel found this allegation proven in its entirety. The panel considered that a teacher ought to be alive to the risks of using such search terms. As such the panel considered it to have been inappropriate to have conducted such searches, since, at the very least, it endangered an inference being drawn that it demonstrated a sexual interest in children.

The panel found allegation b. proven in its entirety.

- c. engaging in a discussion on social media relating to children/pupils engaging in sexual activity;**
- d. stated in a discussion on social media “That’s so naughty...But im [sic] turned on by it...is that wrong” or using words to that effect when it was suggested that you join in with children/pupils engaging in sexual activity with one another;**

The panel considered the particulars of allegations c. and d. together since d. provides greater particularity of a discussion on social media.

The panel has seen an exchange of messages on a social media application between someone who is stated to be “anonymous” and another participant whose identity has been redacted. Those messages were found on Mr Rees’s mobile phone. The person described as “anonymous” identifies himself as a teacher by stating that “you could ask me anything about the national curriculum, assessment, sen or anything else teacher related and i [sic] could tell you”. In a letter from Mr Rees’s representative, it is stated that the comments made during the chat have been misinterpreted and were context specific. It is not the case that Mr Rees denied being the “anonymous” person engaged in the chat. The panel therefore concluded that it was more probable than not that Mr Rees had engaged in the discussion on social media. That discussion related to children/pupils engaged in sexual activity, for example it included a question by Mr Rees “Would you come into my lessons in a skirt with no panties and sit legs open to tease me?”. It also included “Haha what would you have wanted me to do if i [sic] walked in on that when you that age”; “Really... Even if it was when you were 14?”; and “That’s so naughty but I’m turned on by it...is that wrong”.

The panel considered whether the comments made during the chat could be misinterpreted, but in the absence of further explanation, the words on their face value appeared to relate to children/pupils engaged in sexual activity. The panel found it more probable than not therefore that Mr Rees had engaged in the discussion alleged at sub-paragraphs c. and d. The panel considered that this was inappropriate and demonstrated a sexual interest in children.

**e. failed to notify the police and/or any other agency as to the presence of the material described at 1a(i) to (ii) above online;**

In the summary of Mr Rees’s police interview, it is stated that “He never reported any of his observations for fear of repercussions”. The Investigator from Sussex Police has confirmed in her written statement that Mr Rees stated this during his interview with her. The panel therefore found it proven that Mr Rees had failed to notify the police and/or any other agency as to the presence of the material online. The panel considered that this was inappropriate given Mr Rees’s position as a teacher with a duty to safeguard children. Failing to report such a matter for fear of repercussions for himself indicated to the panel that he was aware of the consequences of his inappropriate online activity.

**2. Your behaviour as may be found proven at 1a and/or 1b and/or 1c and/or 1d above was conduct of a sexual nature and/or was sexually motivated.**

The images found in Mr Rees’s possession were graded as category A and category B indecent images of children and were therefore of a sexual nature. Accessing and possessing those images would, therefore, be considered by a reasonable person to be inherently conduct of a sexual nature.

Furthermore, the circumstances of this case were examined by the panel to consider whether Mr Rees's conduct was sexually motivated. In the summary of Mr Rees's police interview it is stated that he saw a 'paedophile handbook' and opened it up, then two minutes later closed it down, as he described it as "horrible". The panel considered it more likely than not, that Mr Rees's purpose was sexual in opening such a document as there could be no other reasonable explanation for opening it. In a summary of his police interview, it is stated that "Role playing – he felt that adult porn became too samey and wanted to try something new". The social media chat that the panel has seen indicates that Mr Rees was seeking sexual gratification as referred to in the quotes cited above. Although Mr Rees's representative has stated that it is Mr Rees' position that the comments made during that chat have been misinterpreted and were context specific, no explanation has been provided as to that context. Given the words themselves, and the absence of any alternative explanation, the panel considered it more probable than not that Mr Rees' conduct was sexually motivated. In that context, Mr Rees's use of search terms, his failure to report images and chat that he had observed, and the presence of images on his mobile phone all indicated that his actions were sexually motivated.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved 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 is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Rees, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Rees 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
- showing tolerance of and respect for the rights of others

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Rees amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Rees'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 any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents 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.

The panel noted that the allegations took place outside the education setting. Demonstrating a sexual interest in children in the manner found proven fundamentally undermines the trust that parents place in teachers to safeguard their children.

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

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Rees's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of the particulars proved, the panel further found that Mr Rees's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

Given the panel's findings 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 would be an appropriate and proportionate measure, and whether it would be 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found all 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 the light of the panel's findings against Mr Rees, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of sexual motivation in accessing and possessing indecent images of children; using terms to search for such material; engaging in a discussion on social media relating to children/pupils engaging in sexual activity; and failing to report online material to the police or any other agency.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Rees was outside that which could reasonably be tolerated.

Whilst no doubt had been cast upon his ability as an educator, the panel did not consider the interest of retaining Mr Rees in the profession was of any value given that the nature of his conduct fundamentally undermines the trust placed in a teacher to safeguard children.

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 Rees.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Rees. 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 proved. 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;

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;

... other deliberate behaviour that undermines pupils, the profession, the school or colleagues;

sexual misconduct, for example, 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;

any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;

The panel considered Mr Rees to have a deep-seated attitude given the number of images found on his mobile phone; the severity of those images; the search terms he used; his opening of a 'paedophile handbook'; and his discussion on social media about children engaging in sexual activity. Such behaviour is harmful in encouraging the exploitation of children in this way.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel has found Mr Rees's actions to be deliberate and sexually motivated.

There was no evidence to suggest that Mr Rees was acting under duress.

Mr Rees did have a previously good history. Two referees were consulted when Mr Rees applied for his post at the School. Neither expressed any reason to believe he was unsuitable to work with children. Both referees attested to his teaching ability and his contribution to the School in which he worked. However, no character references have been adduced by Mr Rees for the purpose of this hearing.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Rees 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 Rees. The seriousness of the matters found proven which strike at the heart of the trust placed in a teacher by parents was a significant factor in forming that opinion. Mr Rees's actions are fundamentally incompatible with that trust. 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 a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include:

- serious sexual misconduct, eg 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; and
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child.

The panel found that Mr Rees was responsible for such behaviours.

Mr Rees has demonstrated no insight or remorse having denied the allegations in their entirety. His failure to report the online material he had seen failed to recognise that there was a victim whose welfare needed to be safeguarded. The panel was, therefore, concerned at the risk of repetition given the behaviours that have been exhibited by Mr Rees. His representative disputed the seriousness of the allegations [REDACTED]. Mr Rees elected not to participate in the proceedings and instead offered to voluntarily agree a prohibition on teaching, as he has no desire now or in the future to return to the profession. However, voluntarily accepting a prohibition, would not have fulfilled the public interest in having proper standards of conduct declared and upheld.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Gareth Rees should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Rees is in breach of the following standards:

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

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a finding of sexual motivation in accessing and possessing indecent images of children; using terms to search for such material; engaging in a discussion on social media relating to children/pupils engaging in sexual activity; and failing to report online material to the police or any other agency.

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 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 Rees, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings against Mr Rees, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings". 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, "Mr Rees has demonstrated no insight or remorse having denied the allegations in their entirety. His failure to report the online material he had seen failed to recognise that there was a victim whose welfare needed to be safeguarded. The panel was, therefore, concerned at the risk of repetition given the behaviours that have been exhibited by Mr Rees". In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the protection 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Rees was not treated with the utmost seriousness when regulating the conduct of the profession". I am particularly mindful of the finding of accessing and possessing indecent images of children 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 the public might regard a failure to impose a prohibition order 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 Rees himself. The panel comment "Mr Rees did have a previously good history. Two referees were consulted when Mr Rees applied for his post at the School. Neither expressed any reason to believe he was unsuitable to work with children. Both referees attested to his teaching ability and his contribution to the School in which he worked."

A prohibition order would prevent Mr Rees from teaching. 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 following comments from the panel “The panel considered Mr Rees to have a deep-seated attitude given the number of images found on his mobile phone; the severity of those images; the search terms he used; his opening of a ‘paedophile handbook’; and his discussion on social media about children engaging in sexual activity. Such behaviour is harmful in encouraging the exploitation of children in this way”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Rees has made 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, in light of the circumstances in this case, 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 intended aims of a prohibition order.

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

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include:

- serious sexual misconduct, eg 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; and
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child.

The panel found that Mr Rees was responsible for such behaviours”.

I have considered whether not allowing for a 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, a number of factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the allegations found proven and the lack of either insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Gareth Rees 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 allegation(s) found proved against him, I have decided that Mr Rees 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 Rees 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 'S Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 15 April 2021**

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