



Teaching  
Regulation  
Agency

# **Mr John Thorn: Professional conduct panel outcome**

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

**April 2021**

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

<b>Teacher:</b>	Mr John Thorn [also known as ‘Jack’ Thorn]
<b>Teacher ref number:</b>	0646849
<b>Teacher date of birth:</b>	16 February 1972
<b>TRA reference:</b>	19079
<b>Date of determination:</b>	15 March 2021 to 17 March 2021 and reconvened on 23 April 2021
<b>Former employer:</b>	The Highfield School, Hertfordshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 15 March 2021 (and reconvened on 23 April 2021) by way of a virtual hearing, to consider the case of Mr John Thorn.

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

The legal adviser to the panel was Ms Abigail Trencher of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson LLP solicitors.

Mr Thorn was present and was represented by Ms Althea Brown of Doughty Street Chambers.

The hearing took place by way of a virtual hearing with some parts of the hearing being heard in private. The hearing was recorded.

## Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 14 January 2021.

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

1. Whilst employed as a Teacher of Science at The Highfield School, he failed to maintain appropriate professional boundaries with one or more pupils, including that:
  - a. between November 2018 - May 2019, whilst alone with a [redacted] student, Pupil A, he made inappropriate comments, including that he:
    - i. told her she was gorgeous;
    - ii. told her she was dangerous and/or tempting;
    - iii. said to her "We shouldn't be doing this";
    - iv. said to her "I'm not messing with your head am I?"; and
    - v. said to her, "You're my favourite"
  - b. On or around Tuesday 19 July 2016 and/or Thursday 21 July 2016 he:
    - i. put his phone number into the phone of a [redacted] student, Pupil B
    - ii. told Pupil B to call him from her phone, giving him her number
    - iii. arranged to meet up with Pupil B outside school premises
    - iv. told Pupil B not to tell anyone about arranging to meet outside school
    - v. texted Pupil B
    - vi. told Pupil B she was "gorgeous"
  - c. On or around Friday 22 July 2016 he:
    - i. texted Pupil B

- ii. met up with Pupil B at [redacted]
- iii. told Pupil B that he had kept their meeting a secret
- iv. told Pupil B she was his favourite
- v. told Pupil B she was “gorgeous”
- vi. suggested meeting up again to go for a walk with Pupil B
- vii. suggested swapping emails

d. On or around Thursday 18 August 2016 texted Pupil B

2. He engaged in inappropriate physical contact with one or more pupils:

a. including towards Pupil A, in that between around November 2018 - May 2019 he:

- i. embraced her while alone in a room together;
- ii. put his arms around her waist;
- iii. held her tightly;
- iv. held her in lengthy embraces;
- v. smelled her head whilst his head was touching hers;
- vi. kissed her on the face;
- vii. rubbed his hands over her back and hair;
- viii. attempted to kiss her; and
- ix. continued to attempt to kiss her despite her pushing him back

b. including towards Pupil B, in that on or around Tuesday 19 July 2016 he:

- i. hugged Pupil B
- ii. kissed Pupil B on the head

- c. on or around Friday 22 July 2016 he:
- i. hugged Pupil B
  - ii. kissed Pupil B on the cheek
3. His behaviour as may be found proven at Allegations 1 and 2 above was conduct of a sexual nature and/or was sexually motivated;
  4. His conduct as may be found proven at Allegation 1(b)(iv) was dishonest and/or lacked integrity;
  5. His behaviour as may be found proven at Allegation 1(a) and 2(a) above was despite his knowledge of Pupil A's vulnerabilities;
  6. His behaviour as may be found proven at 1(a) and/or 2(a) was despite a final written warning on 5 October 2016 for failure to maintain appropriate professional boundaries including in physical interactions by being excessively tactile.

## **Preliminary applications**

The panel considered two preliminary applications.

The first was an application made by the presenting officer requesting that Pupil A and Pupil B be considered as vulnerable witnesses and to have the benefit of special measures to safeguard their interests and for the just and efficient management of the case.

The special measures that were requested in respect of Pupil A were that her evidence should be given in private, she should not have sight of Mr Thorn whilst giving her evidence, she should not be directly cross-examined by Mr Thorn but by his representative, she be permitted to be accompanied by a witness supporter, to take ample breaks and to write or doodle whilst giving her evidence.

The special measures applied for in respect to Pupil B were that she should not be directly cross-examined by Mr Thorn but by his representative and that her evidence be given in private.

The panel heard submissions from the presenting officer. It was noted by the panel that Mr Thorn's representative had no objections to the application.

After deliberating on the issue, the panel agreed to the application. [Redacted]. The panel was satisfied [redacted] neither Pupil A or Pupil B would be prejudiced by giving evidence but that the measures requested would safeguard their interests.

The second application considered by the panel was an application from Mr Thorn's representative dated 26 February 2021 for the admission of additional documentation to the bundle that had been submitted to the TRA less than four weeks before the hearing, in particular a report prepared by Individual A which was to be relied upon as expert evidence along with an updated witness statement for Mr Thorn and a character reference.

The panel took into account the representations of Mr Thorn's representative that the documents were relevant to the issues to be considered and determined by the panel.

The presenting officer had no objection to the admission of the documents.

After deliberating on the issue, the panel accepted the application. The panel was satisfied that the documents were relevant to the case and would assist the panel in determining issues in the hearing.

## **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 6 to 8
- Section 2: Teaching Regulation Agency notices and responses – pages 9 to 29
- Section 3: Applications – pages 32 to 44
- Section 4: Teaching Regulation Agency witness statements – pages 66 to 74
- Section 5: Teaching Regulation Agency documents – pages 81 to 353
- Section 6: Teacher documents – pages 368 to 394

These included the additional documentation that was the subject of the teacher's preliminary application.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

## Witnesses

The presenting officer called the following witnesses:

- Pupil A
- Pupil B
- Witness A

The panel heard oral evidence from Mr Thorn.

## 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 Thorn had been employed as a science teacher from 1 September 2010 until a decision was made by the school in a disciplinary hearing to dismiss him on or around 2 December 2019.

An incident arose in 2016, which concerned Pupil B. [Redacted].

It was alleged that in July 2016, Mr Thorn had hugged Pupil B and kissed her on the top of her head, and had given his mobile phone number to Pupil B and arranged to meet her for a drink in a pub. He had engaged in texting Pupil B and following their meeting in the pub had hugged her and tried to kiss her.

An investigation was carried out in or around September 2016 and during this time Mr Thorn was suspended from his role.

The investigation found that Mr Thorn failed to maintain professional boundaries with a student and had seriously breached the school's policy and procedures. On or around 5 October 2016, Mr Thorn was given a final written warning which was active for two years and it was agreed he would not continue his sixth form pastoral role. The final written warning expired in October 2018.

On or around 17 June 2019, a further incident arose, this time concerning Pupil A. The mother of Pupil A reported Mr Thorn to the police for sexual assault. The headteacher of the school referred the matter to the local authority designated officer on 19 June 2019.

It was alleged that Mr Thorn made sexual or other inappropriate contact with Pupil A and that he had failed to maintain appropriate professional boundaries with Pupil A.



Mr Thorn was formally suspended on 20 June 2019. On or around 2 August 2019, the police informed the school that they would take no further action in respect of Mr Thorn because Pupil A and her family decided not to support a prosecution.

Following an investigation, a disciplinary hearing was convened by the school to consider the allegations against Mr Thorn on 2 December 2019. The panel found that Mr Thorn's conduct constituted gross misconduct and he was summarily dismissed.

## Findings of fact

The findings of fact are as follows:

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

- 1. Whilst employed as a Teacher of Science at The Highfield School, you failed to maintain appropriate professional boundaries with one or more pupils, including that:**
  - a. between November 2018 - May 2019, whilst alone with a [redacted] student, Pupil A, you made inappropriate comments, including that you:**
    - i. told her she was gorgeous;**
    - ii. told her she was dangerous and/or tempting;**
    - iii. said to her "We shouldn't be doing this";**
    - iv. said to her "I'm not messing with your head am I?";**
    - v. said to her, "You're my favourite"**

1.a.i). The panel noted that Mr Thorn accepted at the beginning of the hearing that he had told Pupil A she was gorgeous but not in the context alleged. Rather, he maintained in his witness statement and during oral evidence that he commonly used the term in a platonic sense, to both male and female students, whenever a "*person had done something nice*". On balance, having considered all the evidence, including that which related to Pupil B, in which he had also used that term, the panel came to the decision that he had used that term towards Pupil A.

1.a.ii), iii) and iv). The panel was much more concerned with these allegations. The panel was very alive to the seriousness of such language, were it to be used by a teacher to a student.

Mr Thorn maintained in his witness statement and during oral testimony that he had not used any of these terms towards Pupil A. In respect of 1.a.ii), he maintained that it would

be completely out of character for him to use such words. The panel considered that, based on Mr Thorn's demeanour and use of language whilst he gave evidence, his account on this point was plausible. In respect of 1.a.iii), Mr Thorn confirmed that he had no reason to make this comment to Pupil A. With regards to 1.a.iv), Mr Thorn denied he would have used this term in the way alleged, but conceded he may have used those words when referring to a difficult biology subject he was trying to explain to Pupil A.

The panel noted that Pupil A had made reference to Mr Thorn having told her she was "*totally tempting*" and "*gorgeous*" and having told her "*we shouldn't be doing this*" in her interviews with the police in June and July 2019. Pupil A has also written references to "*you're so gorgeous*", "*you're dangerous*"; "*we shouldn't be doing this*"; "*I'm not messing with your head*" and "*you're my favourite*" in her diary.

The panel considered Pupil A's statement during her oral evidence that she had not written her diary on the same day as the incidents took place in March 2019, but a couple of days later. The panel therefore considered that her notes may not have been strictly verbatim accounts of the actual words used or their context. However, the panel found Pupil A to be a credible witness during her evidence and on a balance of probabilities, therefore, the panel concluded that there was sufficient evidence for the weight to fall on the side of those comments having been made.

1.a.v). Overall, the panel was persuaded that Mr Thorn used this phrase. Mr Thorn accepted he could have used this phrase towards Pupil A and accepted that it was a phrase he used from time to time, although he asserted he would not have used it in the context alleged, but more generally. The panel also noted it was a term he had used towards Pupil B. On balance, therefore, the panel was satisfied Mr Thorn had used it towards Pupil A.

**b. On or around Tuesday 19 July 2016 and/or Thursday 21 July 2016 you:**

- i. put your phone number into the phone of a [redacted] student, Pupil B**
- ii. told Pupil B to call you from her phone, giving you her number**
- iii. arranged to meet up with Pupil B outside school premises**
- iv. told Pupil B not to tell anyone about arranging to meet outside school**
- v. texted Pupil B**
- vi. told Pupil B she was "gorgeous"**

1.b.i, ii, iii, v, vi. The conduct referred to at 1.b.i, ii, iii, v, vi, was admitted by Mr Thorn and on the evidence before it the panel was satisfied these facts were proven.

1.b.iv. With regards to 1.b.iv, the panel took into account Mr Thorn's evidence that he could not remember saying this to Pupil B, but that he had not denied having said it or stated that it was not something he would have said. By contrast the panel was impressed by Pupil B's oral evidence. She came across as calm and measured. She was a compelling witness and was clear on this point. In addition, she recorded Mr Thorn having asked her to keep their arrangement to meet in secret in the statement she gave on 25 August 2016, just 6 days after it was alleged to have been said.

Having considered all the documents, particularly the statement given by Pupil B in August 2016 and her oral testimony, the panel accepted Pupil B's evidence on these matters. In contrast, Mr Thorn's evidence lacked certainty relating to these alleged comments and acts, particularly during his oral evidence in which he confirmed he had no clear recollection of these events. The panel was persuaded that the facts alleged at 1.b. i. - vi) were proven.

**c. On or around Friday 22 July 2016 you:**

- i. texted Pupil B**
- ii. met up with Pupil B at [redacted]**
- iii. told Pupil B that you had kept their meeting a secret**
- iv. told Pupil B she was your favourite**
- v. told Pupil B she was "gorgeous"**
- vi. suggested meeting up again to go for a walk with Pupil B**
- vii. suggested swapping emails**

1.c.i- iii. There was no dispute in the evidence that Mr Thorn texted Pupil B and met with her at [redacted]. Whilst Mr Thorn cannot remember confirming to Pupil B that he had kept their meeting a secret, he accepts he felt uncomfortable about their meeting. In contrast, Pupil B in her oral evidence was clear on this point, as she had been in her statement made in August 2016. The panel therefore concluded that Mr Thorn had made this statement. The panel was satisfied the facts at 1.c.i-iii were proven.

1.c.iv-v. As to the comments referred to at 1.c.iv and v, Mr Thorn accepted in evidence and in his witness statement that he commonly used such terms, and whilst he may have

used the term '*my favourite*' more widely, as in '*my favourite class*' as opposed to referring to an individual as '*my favourite*', he did use that phrase. On balance, the panel was satisfied Mr Thorn had made these comments and the facts were proven.

1.c.vi. Mr Thorn accepted during his oral evidence that whilst he could not remember having made this suggestion, he accepted that he may have offered to meet up for a walk if Pupil B was having difficulties at home and wanted to talk, in an attempt to provide pastoral support. This concession in his oral evidence, alongside Pupil's B statement given in August 2016 and her oral evidence, persuaded the panel it was more likely than not that Mr Thorn has made this suggestion. The panel determined that the facts were therefore proven.

1.c.vii. The panel was minded that Pupil B's evidence was unclear on this point and Mr Thorn admitted in his oral evidence that he might have made this suggestion but couldn't recall having done so. The panel were not satisfied that this fact was proven.

**d. On or around Thursday 18 August 2016 texted Pupil B.**

On examination of the documents before the panel, the panel was satisfied Mr Thorn had texted Pupil B as alleged, which Mr Thorn did not deny. This fact was therefore proven.

Having considered all the evidence, the panel came to the conclusion, on the balance of probabilities, that the facts of allegation 1 were sufficiently proven to the extent that it was satisfied that Mr Thorn had failed to maintain appropriate professional boundaries with Pupil A and Pupil B by his conduct between 19 July 2016 and 22 July 2016, 18 August 2016 and from November 2018 to May 2019.

**2. You engaged in inappropriate physical contact with one or more pupils:**

**a. including towards Pupil A, in that between around November 2018 - May 2019 you:**

- i. embraced her while alone in a room together;**
- ii. put your arms around her waist;**
- iii. held her tightly;**
- iv. held her in lengthy embraces;**
- v. smelled her head whilst your head was touching hers;**
- vi. kissed her on the face;**
- vii. rubbed your hands over her back and hair;**
- viii. attempted to kiss her; and**

## **ix. continued to attempt to kiss her despite her pushing you back**

2.a.i. Mr Thorn accepts he gave Pupil A, as well as other students, hugs and accepted he had hugged Pupil A both when they were alone and also when other pupils were present. The panel was satisfied this fact was proven.

2.a.ii – v and vii. The panel deliberated at length over these alleged facts. The panel was conscious of Mr Thorn's denial in relation to them, and was cognisant of their seriousness. The panel considered that Mr Thorn had come across well during his evidence. He had appeared truthful, albeit he had limited recollection of key incidents and events. The panel accepted he was a devoted and good teacher, who was capable of connecting with and inspiring his students.

The panel had to take into account, however, all the evidence before it and in particular the oral evidence of Pupil A, who presented well whilst giving evidence and did not waver in her account. The written evidence was also compelling, in relation to the notes of Pupil A's two interviews with the police and her diary.

The panel acknowledged the submissions made by Mr Thorn's representative in relation to the lack of clarity in the written documentation relating to the times and dates on which certain comments were made and acts took place. It nonetheless found Pupil A's consistent account of the nature and content of the acts and comments alleged compelling.

In addition, there appeared to be a complete absence of any reason as to why Pupil A would make up any of the allegations. Pupil A appeared to like and respect Mr Thorn, and had sought out his company and confidence and had been upset when required to initially talk to the police, after her mother made a complaint to them.

When weighing up all the evidence, particularly Pupil A's diary, the notes of her interviews with the police and her oral evidence, the panel determined that on the balance of probabilities, the weight of evidence fell against Mr Thorn.

The panel considered that as Mr Thorn had accepted that he had hugged Pupil A, it was more likely than not that, during a hug, he had put his arm around her waist, had held her longer than he had before, and may have rubbed his hands over Pupil A's back and hair, and had smelled her hair and put his head close to hers, and that he had done so in a supportive way as he had accepted he had done towards Pupil B.

2.a. vi. On this point the evidence before the panel concerned an allegation that Mr Thorn had kissed Pupil A on the face. The panel noted that in her diary Pupil A commented on 'facial kissing'. Pupil A's oral evidence was clear on this point, and confirmed that Mr Thorn had kissed her on her cheek and she showed the panel where on her cheek he had kissed her. The panel was satisfied, from Pupil A's evidence, that this allegation referred to a kiss on her cheek, and not her lips. Mr Thorn, during his oral evidence,

maintained that he had not kissed Pupil A on the cheek. The panel is satisfied, however, on a balance of the evidence, that Mr Thorn had kissed Pupil A on her cheek.

2.a viii and ix. The panel had more difficulty with these alleged facts, which Mr Thorn denied. The panel noted that Pupil A's diary did not refer to Mr Thorn having tried to kiss her on her lips, but refers to "*facial kissing*" and "*leaning in for a kiss*". However, Pupil A was clear in her oral evidence and witness statement that Mr Thorn had attempted to kiss her on the lips. The panel found it difficult to reach a conclusion on this point, particularly given the location that such an attempt was alleged to have been made, which would have risked any encounter having been visible through the windows of the classroom or by students and staff entering the classroom, which the evidence suggested was a frequent occurrence.

Mr Thorn was very adamant in his oral evidence that he did not kiss or attempt to kiss Pupil A on her lips. It was an unequivocal denial. The panel considered Pupil A's perception of what Mr Thorn's intentions were and how it was possible that she had misinterpreted the situation. Overall, there was insufficient evidence to persuade the panel that Mr Thorn had attempted to kiss Pupil A on the lips as alleged. These facts were not therefore proven.

On each of the allegations from 2.a.i - vii, the panel has concluded that the facts were proven. The panel found the facts at 2.a.viii and ix not proven.

**b. including towards Pupil B, in that on or around Tuesday 19 July 2016 you:**

- i. hugged Pupil B**
- ii. kissed Pupil B on the head**

The panel has considered all evidence and noted that Mr Thorn accepts the conduct alleged. The panel is satisfied the facts are proven.

**c. on or around Friday 22 July 2016 you:**

- i. hugged Pupil B**
- ii. kissed Pupil B on the cheek**

The panel, having reviewed all the evidence, is satisfied these two facts are proven. The panel noted that Mr Thorn only accepts that he hugged Pupil B. He confirmed in oral evidence that he did not recall kissing her on her cheek. He confirmed that, if it did happen as Pupil B alleges, it was an accident. The panel was persuaded by Pupil B's clear account, both in the statement dated August 2016 and also during her oral evidence. The panel considered her evidence to be clear and consistent. Moreover, there did not appear to be any reason why she would tell any untruths that were detrimental to

Mr Thorn. Pupil B appeared to hold Mr Thorn in high regard and attributed her success in her A level examinations [redacted].

With regards to allegations 2. c. therefore, the panel is satisfied that the facts are proven.

On consideration of the documents before the panel and the oral evidence provided at the hearing, and the totality of the facts proven, the panel was satisfied that allegation 2 was proven. The panel was satisfied that Mr Thorn had engaged in inappropriate physical contact with Pupils A and B.

### **3. Your behaviour as may be found proven at Allegations 1 and 2 above was conduct of a sexual nature and/or was sexually motivated;**

The panel's attention was drawn to *section 78 Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]* and *Basson v General Medical Council [2018]*.

The panel gave a great deal of consideration to whether the conduct was of a sexual nature. The panel considered whether the conduct was in nature sexual, or because of its nature, might have become sexual. The panel was of the opinion that Mr Thorn possessed a tactile disposition and he customarily hugged students with the aim of offering them support and comfort. The evidence confirmed he would hug both male and female students. The evidence also supported the fact that on at least one occasion he had kissed a student on the cheek, it is accepted by Mr Thorn he kissed Pupil B on the crown of her head and Pupil B in her statement dated August 2016 refers to having seen Mr Thorn kiss one of his female tutees on the cheek on the last day of term.

The panel does not accept in the context in which the acts proven took place, on the evidence before it, that these acts were sexual in nature. It considers that such interaction often occurs platonically between friends, supportive adults and family members and the panel considers it conceivable that this was the case in respect of the conduct in issue. The panel finds that there is insufficient evidence to persuade it that the conduct in question was sexual in nature.

The panel went on to consider whether Mr Thorn's conduct was sexually motivated. On balance, the panel was not convinced that Mr Thorn's conduct was motivated by either the pursuit of sexual gratification or the pursuit of a sexual relationship. It was clear from the evidence that Mr Thorn overstepped professional boundaries by frequently hugging students. He had also on occasion gone beyond this and kissed students on the head and cheek but the panel were not persuaded that this was in pursuit of a sexual relationship or for sexual gratification.

The only evidence before the panel that seemed to suggest there being sexual motivation was that given by Pupil A in respect of her reference to Mr Thorn's heavy breathing whilst hugging her and what she described as a weird look in his eyes, when

he allegedly attempted to kiss her on the lips, an act which Mr Thorn emphatically denied. The panel was not convinced of this allegation and is mindful that it is accepted that no actual kiss on the lips happened. Pupil A asserts Mr Thorn tried to kiss her on the lips. This may have been averted by Pupil A's actions in moving her head, as she demonstrated to the panel whilst giving evidence, but nonetheless Mr Thorn did not kiss her on the lips, and the panel is not satisfied that it was his intention to do so.

The panel found Mr Thorn's evidence on this allegation persuasive and that the evidence supports the fact that he is a tactile man and was willing to give his time and attention to students who were in need of it. Pupil A comments in her witness statement that: *"He had an 'open door' policy"; "Mr Thorn was a popular teacher and created a relaxing environment to be in. We would talk to him, not just about school things but also about our interests and hobbies and how we were feeling"; "Sometimes when I left the classroom Mr Thorn would hug me.....He had also hugged my friends. At first I liked being hugged by Mr Thorn as it made me feel cared for and comforted"*.

Pupil B commented in her witness statement that: *"Mr Thorn would touch students, in a way that seemed to be acceptable, for example if you needed a hug."*

This accords with evidence in the bundle from one of his colleagues, Individual B, in respect to the information she gave during the school's investigation into the complaint relating to Mr Thorn's conduct towards Pupil A. When asked during her investigation meeting if she had seen Mr Thorn put a hand round students, she stated: *"A few, more I don't know, a few students but again it's nothing sexual it was more a father putting hand around"*[sic].

The panel noted that Individual B occupied the classroom adjacent to Mr Thorn and was a frequent visitor to his classroom.

Further, in the statement provided by [redacted], she states: *"Furthermore he strove to go the extra mile in terms of supporting these students when they required extra help meeting with these students in school in line with safeguarding procedures at lunchtime or after school"*. In addition, [redacted] confirmed that she and Mr Thorn had on several occasions taken students on residential trips for Biology fieldwork, and she would therefore have witnessed his behaviour over an extended period of time, in a more informal setting, with a number of students.

Whilst the panel found that the physical interaction that has been proven was inappropriate and risked straying in to conduct which could be deemed of a sexual nature, the panel was not persuaded that it was of a sexual nature or that it was sexually motivated. Instead, the panel considers that Mr Thorn's actions were more likely than not to be in pursuit of offering comfort and support to students, irrespective of how misguided this might be.



The panel therefore does not find this allegation proven.

**4. Your conduct as may be found proven at Allegation 1(b)(iv) was dishonest and/or lacked integrity;**

On examination of the documents before the panel and on consideration of the oral evidence, the panel concluded that Mr Thorn had told Pupil B not to tell anyone about arranging to meet outside school. Mr Thorn accepted that he felt uncomfortable about that arrangement and knew that it was inappropriate. He also accepted that he should have informed a colleague of his arrangement but did not do so, despite having sufficient time to do so. The panel consider his actions in keeping the arrangement secret and in telling Pupil B to keep it secret lacked integrity but that it was not dishonest.

**5. Your behaviour as may be found proven at Allegation 1(a) and 2(a) above was despite your knowledge of Pupil A's vulnerabilities;**

On examination of the documents before the panel and on consideration of the oral evidence, the panel was satisfied that Mr Thorn was aware of [redacted]. Nonetheless, Pupil A had discussed with Mr Thorn [redacted]. The panel was not satisfied however that Mr Thorn's behaviour was 'despite his knowledge', rather that it was because of this knowledge, in that he wanted to help Pupil A [redacted].

The panel considers that Mr Thorn was interested in all his students, [redacted]. The panel was not satisfied that Mr Thorn in any way preyed on Pupil A [redacted]. It considers his interest in her was due to a desire to help her. The panel is not satisfied that this allegation is proven.

**6. Your behaviour as may be found proven at 1(a) and/or 2(a) was despite a final written warning on 5 October 2016 for failure to maintain appropriate professional boundaries including in physical interactions by being excessively tactile.**

On examination of the documents before the panel and on consideration of the oral evidence, the panel was satisfied that this allegation is proven.

However, the panel noted that Mr Thorn had not had an opportunity to fully appreciate the impact his conduct towards Pupil B had had on her. The panel accepted that Mr Thorn had not been shown Pupil B's complaint or her statement, made in August 2016, prior to receiving the bundle for this hearing. Whilst he was the subject of an investigation in 2016, and required to account for his contact with and conduct towards Pupil B in July and August 2016, he was not shown her statement and was therefore not able to read and fully appreciate the level of discomfort his actions had caused her at that time. The panel is satisfied that Mr Thorn was only able to appreciate this when he saw Pupil B's statements in the bundle for this hearing.

The panel considers this regrettable because Mr Thorn is likely to have benefited from understanding the impact his conduct may have had on pupils, and that his tactility may have the opposite effect to that intended. Had this been made clear to him in 2016, it may have tempered his behaviour and avoided the conduct that gave rise to the complaint in 2019.

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

Having found a number of the allegations 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 is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Thorn, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Thorn 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 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 Thorn amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel noted that allegation 1.c. took place outside the education setting. Mr Thorn arranged to meet Pupil B at a pub on or around 22 July 2016. In the context of the facts proven the panel consider it was inappropriate for Mr Thorn to arrange to meet Pupil B outside of the education setting. Mr Thorn acknowledged this was the case, yet still chose to meet with Pupil B and did not inform any of his colleagues that he was doing so. The panel is satisfied that this incident, which took place before Pupil B received her

examination results, was sufficiently related to and connected with Mr Thorn's discharge of his professional duties as a teacher for the statutory framework and Teacher Standards to apply to it.

Whilst the panel considers the school should have informed Mr Thorn in more detail of the complaint raised in 2016, nonetheless it was a significant complaint for which he received a final written warning. He should therefore have reflected and amended his behaviour accordingly.

Mr Thorn clearly failed to maintain the professional boundaries expected of a teacher on a number of occasions in respect of the language he used and his physical proximity to and contact with students.

Accordingly, the panel was satisfied that Mr Thorn 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.

Having found the facts of allegations 1, 2, 4 (in part) and 6 proven, the panel found that Mr Thorn'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 a punitive effect.

The panel had regard to 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 the light of the panel's findings against Mr Thorn there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate physical contact and communication with one or more pupils.

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

Weighed against this, the panel considered whether there was a strong public interest consideration in retaining Mr Thorn as a teacher in the profession, since no doubt had been cast upon his abilities as an educator and from the evidence there appeared to be grounds on which to consider Mr Thorn was able to make a valuable contribution to the profession.

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 Thorn.

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 Thorn. 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; and
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

The panel was of the opinion that Mr Thorn's misconduct was serious, and whilst it had determined that his conduct was not of a sexual nature or sexually motivated, the panel was conscious that it was nonetheless conduct that was unacceptable in an educational environment or between teacher and student. This would be an abuse of a teacher's

position of trust. The panel's concerns were heightened by the admissions made by Mr Thorn that he was a tactile person who was in the habit of hugging students, and the proven facts that he had not addressed or moderated his behaviour since he was issued with a final written warning in 2016.

The panel had concerns relating to the circumstances in which the final written warning was issued to Mr Thorn in 2016. It does not appear to have been treated by the school or by Mr Thorn with the severity with which it should have and the procedure that was adopted by the school did not provide sufficient information to Mr Thorn as to the impact his conduct had had on Pupil B. Nonetheless, the panel are satisfied that Mr Thorn should have acknowledged the seriousness of the charge and the sanction arising from the 2016 complaint and yet does not appear to have adequately addressed his behaviour in response to it.

The panel was also mindful that there was an absence of detailed and qualitative evidence before it that spoke to the contribution Mr Thorn has made to his profession, and could do so in the future. There was only one character reference provided by a former colleague of Mr Thorn put before the panel, which was from his [redacted]. In her reference she commented:

*'I have known Jack Thorn as a friend and colleague for 10 years including 6 as [redacted]. Jack has always been praised by many of his students and their parents as an 'inspirational teacher'. He always ensured his lessons were challenging and so encouraged many of his GCSE students to continue studying Biology at A Level.'*

Whilst the panel thought there was no reason to doubt Mr Thorn's commitment to his profession it was not convinced it had before it evidence that demonstrated that the value of his contribution to the profession outweighed the seriousness of his conduct and the public interest consideration in favour of a prohibition order.

The panel considered the mitigation that had been put forward by his representative in her oral submissions and also in the form of the report prepared by Individual A, [redacted]. The panel considered that Mr Thorn had demonstrated insight and remorse for his actions and understood the need to change his behaviour. It was also minded that he may have difficulty in demonstrating a change in his behaviour if he were prohibited from teaching, and might instead benefit from a reintroduction to teaching with close monitoring, support and mentoring.

However, in view of the fact that Mr Thorn had failed to address his behaviour following the disciplinary investigation into his conduct in 2016, and the final written warning that followed in October 2016, the panel, on balance, determined that the need to protect pupils, maintain public confidence in the profession and uphold proper standards of conduct, weighed more heavily and that a prohibition order would be appropriate.

There was no evidence before the panel that Mr Thorn's actions were not deliberate or that Mr Thorn was acting under duress.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate or an appropriate response to recommend that no prohibition order be made. 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 Thorn 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 Thorn. 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. The panel was satisfied that none of those had been proven and applied in respect of Mr Thorn.

The panel considered that Mr Thorn had shown insight and remorse in his evidence and the panel were satisfied Individual A report supported the panel's belief that Mr Thorn was capable of addressing his behaviour and preventing a repetition of it in the future, provided adequate steps were taken to support him in doing so, such as mentoring and monitoring. For this reason, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a 2 year 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 some 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. In this case, the panel has found some of the allegations not proven, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr John Thorn should be the subject of a prohibition order, with a review period of 2 years.

In particular, the panel has found that Mr Thorn 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 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 Thorn fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a failure to maintain appropriate professional boundaries and engaging in inappropriate physical contact with one or more pupils, conduct that was found to lack integrity, despite a final written warning in 2016 for failure to maintain appropriate professional boundaries including in physical interactions by being excessively tactile.

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

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered that Mr Thorn had demonstrated insight and remorse for his actions and understood the need to change his behaviour".

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "In the light of the panel's findings against Mr Thorn there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate physical contact and communication with one or more pupils". I am particularly mindful of the finding of failing to maintain the professional boundaries expected of a teacher on a number of occasions and physical proximity to and contact with pupils 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 Thorn himself, the panel comment "no doubt had been cast upon his abilities as an educator and from the evidence there appeared to be grounds on which to consider Mr Thorn was able to make a valuable contribution to the profession". A prohibition order would prevent Mr Thorn 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 "The panel was of the opinion that Mr Thorn's misconduct was serious, and whilst it had determined that his conduct was not of a sexual nature or sexually motivated, the panel was conscious that it was nonetheless conduct that was unacceptable in an educational environment or between teacher and student. This would be an abuse of a teacher's position of trust. The panel's concerns were heightened by the admissions made by Mr Thorn that he was a tactile person who was in the habit of hugging students, and the proven facts that he had not addressed or moderated his behaviour since he was issued with a final written warning in 2016".



I have given less weight in my consideration of sanction therefore, to the contribution that Mr Thorn 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, 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 a 2 year review period.

I have considered the panel's comments "The panel considered that Mr Thorn had shown insight and remorse in his evidence and the panel were satisfied Individual A report supported the panel's belief that Mr Thorn was capable of addressing his behaviour and preventing a repetition of it in the future". The panel has also said that "it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a 2 year review period".

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession and in this case I have determined it does.

I consider therefore that a 2 year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr John Thorn is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 07 May 2023, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Thorn remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Thorn 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: Sarah Buxcey**

**Date: 4 May 2021**

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