



Teaching
Regulation
Agency

Mr Colin Wilkes: Professional conduct panel meeting outcome

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

February 2022

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

Teacher:	Mr Colin Wilkes
Teacher ref number:	8737819
Teacher date of birth:	18 April 1963
TRA reference:	18335
Date of determination:	7 February 2022
Former employer:	Hereford Cathedral School, Hereford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 7 February 2022, to consider the case of Mr Colin Wilkes.

The panel members were Ms Asma Majid (lay panellist – in the chair), Mr Paul Hawkins (teacher panellist) and Mrs Patricia Hunt (former teacher panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Wilkes that the allegations be considered without a hearing. Mr Wilkes provided a signed statement of agreed facts and admitted unacceptable professional conduct; conduct that may bring the profession into disrepute and conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Matilda Heselton of Browne Jacobson LLP or Mr Wilkes.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 12 January 2022.

It was alleged that Mr Wilkes was guilty of having been convicted of a relevant offence, in that:

1. On or around 23 July 2020, he was convicted at the Worcester Crown Court for five offences of sexual activity with a female aged 13 – 17 years and in doing so abused his position of trust, for which he was sentenced to imprisonment for 20 months on or around 4 September 2020.

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

2. He engaged in a sexual relationship with Pupil C in or around 1990;
3. His behaviour as may be found proven at allegation 2 was conduct of a sexual nature and/or sexually motivated;
4. Whilst employed as a teacher at the Hereford Cathedral School between September 1988 and February 2019 and in respect of an incident when he was alleged to have kissed Pupil A in or around 2008;
 - a. he instructed Pupil B not to tell anyone that he had kissed Pupil A or used words to that effect;
 - b. he informed the school that Pupil A had kissed him on the cheek when in fact;
 - i. he had passionately kissed Pupil A;
 - ii. he was at that time engaged in a sexual relationship with Pupil A;
5. His conduct as may be found proven at allegation 4a and/or 4b above lacked integrity and/ or was dishonest in that he was seeking to conceal his conduct.

Mr Wilkes has admitted the facts of the allegation and that his actions amount to unacceptable professional conduct; conduct that may bring the profession into disrepute and conviction of a relevant offence, as alleged.

Preliminary applications

Applicable Procedures

The panel noted that since the date of the referral to the TRA in this case, new Teacher Misconduct Disciplinary procedures for the teaching profession were published in May 2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the “April 2018 Procedures”) apply to this case, given

that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 3

Section 2: Notice of referral and response– pages 4 to 15

Section 3: Statement of agreed facts and presenting officer representations – pages 16 to 24

Section 4: Teaching Regulation Agency witness statements – pages 25 to 109

Section 5: Teaching Regulation Agency documents – pages 110 to 223

Section 6: Teacher documents – pages 224 to 231

In addition, the panel was provided with the notice of meeting separately.

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Wilkes on 25 August 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Wilkes for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Wilkes was employed as an art teacher at the Hereford Cathedral School (the “School”) since September 1998 and was later appointed as Head of Art in September 2002. On 24 January 2019, Mr Wilkes was arrested and interviewed by the police. Mr Wilkes resigned from the school on 13 February 2019.

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 or around 23 July 2020, you were convicted at the Worcester Crown Court for five offences of sexual activity with a female aged 13 – 17 years and in doing so abused your position of trust, for which you were sentenced to imprisonment for 20 months on or around 4 September 2020.**

Mr Wilkes admits this allegation in the statement of agreed facts, confirming that he was convicted in respect of his conduct towards Pupil A.

Furthermore, the panel has seen the certificate of conviction confirming the details of Mr Wilkes’ conviction and sentencing as set out in the allegation. The panel accepts the conviction as conclusive proof that establishes the relevant facts.

In the statement of agreed facts, Mr Wilkes admits that when Pupil A was in the sixth form, he was Pupil A’s teacher and that he engaged in a sexual relationship with her, during or around [redacted]. He accepts that, he and Pupil A were at two separate School functions and met up in the night at the School’s art studios, and that whilst there, he and Pupil A were naked and engaged in sexual touching. He acknowledges that he also met Pupil A after another function in his car, and that both he and Pupil A were partly undressed and engaged in sexual touching. He admits that he engaged in sexual activity and had sexual intercourse with Pupil A on several occasions, including at his home accommodation, at the School and during an overseas school trip.

The panel found this allegation proven, and accepted the facts agreed as to the sexual activity that Mr Wilkes’ engaged in with Pupil A.

Pupil A was described in a witness statement by the headteacher of the school as a pupil that [redacted]. Pupil B also provided evidence for these proceedings saying that she had thought Pupil A was quite vulnerable. A friend of Pupil A gave evidence to the police stating that Pupil A [redacted]. The friend with whom Pupil A had confided in mid-August 2009, stated that Pupil A had told her that she believed Mr Wilkes had groomed her, and that [redacted], she had welcomed Mr Wilkes’ mentorship and friendship, that he was someone to talk to about her issues and someone who believed in her potential. The friend stated that Pupil A had said that Mr Wilkes had been the instigator of their relationship and that he had taken advantage of her vulnerability to achieve this.

The panel considered that on the basis of this evidence, Pupil A had been vulnerable at the time of the relationship.

The panel noted that there is a conflict in the evidence between Pupil A's account of their relationship and the evidence of Mr Wilkes, as to the extent to which Pupil A was a willing participant.

The panel did not attempt to resolve this conflict in evidence – the conviction confirmed that Mr Wilkes had breached the position of trust that he held in relation to Pupil A. The panel did however, consider that Mr Wilkes had taken advantage of the vulnerability of Pupil A, and that as a teacher, he was in a position of power over her.

2. You engaged in a sexual relationship with Pupil C in or around 1990

In the statement of agreed facts, Mr Wilkes has admitted this allegation. He acknowledges that Pupil C attended the School as a pupil, whilst he was a teacher there and that whilst she was a pupil, he engaged in sexual activity and had sexual intercourse with her.

The headteacher has provided evidence for these proceedings, stating that on 11 February 2019 during an investigation meeting in relation to the alleged sexual relationship with Pupil A, notes were taken of the meeting. These notes state that Mr Wilkes was asked whether the School needed to be concerned about any other past pupils pre-2008, where there has been a friendship or relationship. The notes go on to state, that there had been a relationship with Pupil C, who he described as a dear friend, in the early 1990s and that Mr Wilkes had confirmed that this had become a sexual relationship. The notes record that Mr Wilkes said that she had been a sixth form student and that he had not taught her. It is recorded that Mr Wilkes had confirmed that the relationship had happened at school, as he had a flat in the boarding school.

The panel had no reason to doubt the accuracy of the note of this investigation meeting. The information regarding Mr Wilkes' relationship with Pupil C was volunteered by him, and he has, in the statement of agreed facts, maintained that this relationship took place.

The panel therefore found this allegation proven.

3. Your behaviour as may be found proven at allegation 2 was conduct of a sexual nature and/or was sexually motivated.

In the statement of agreed facts, Mr Wilkes has accepted that his conduct was of a sexual nature and that he was sexually motivated when he engaged in the conduct. Furthermore, a reasonable person would consider that this conduct was by its nature sexual. A sexual motivation can be inferred, given that the relationship was a sexual one.

This allegation is therefore found proven.

4. Whilst employed as a teacher at the Hereford Cathedral School between September 1988 and February 2019 and in respect of an incident when you were alleged to have kissed Pupil A in or around 2008;

a. you instructed Pupil B not to tell anyone that you had kissed Pupil A or used words to that effect;

Mr Wilkes has admitted this allegation in the statement of agreed facts. He stated that on or around 9 May 2008, he initiated speaking to Pupil B privately, during which time he had been emotional and apologised to Pupil B for her having witnessed him and Pupil A kissing. He acknowledged that he had told Pupil B that the kissing had happened on one occasion and pleaded with Pupil B not to tell anyone about the kissing between him and Pupil A as it could end his career.

Pupil B has provided a witness statement for the purpose of these proceedings. She stated that she had met with Pupil A to discuss with her that she had seen her and Mr Wilkes kissing. She stated that Pupil A had said that Mr Wilkes wanted to talk with her about what had happened. Pupil B stated that following the conversation, she had seen Mr Wilkes and suggested they talk, and he agreed. She stated that at the end of the final day of one her examinations, Mr Wilkes had asked to see her sketchbook and that when everyone had left the room, Mr Wilkes broke down, cried and apologised for what she had witnessed. She stated that she stayed with him for about 20 – 30 minutes, and that Mr Wilkes had said that it had only happened on one occasion, and that he had been very low [redacted]. She stated that Mr Wilkes pleaded with her not to tell anyone because it could ruin his career. She described having decided not to take it any further and was not sure what would happen to her if she reported Mr Wilkes. She stated that she was scared of not being believed and scared of having to confront / carry on as normal towards Mr Wilkes in those circumstances. Pupil B has described having told her mum on 21 August 2009, when she was at home and another pupil described having seen Mr Wilkes and Pupil A together.

Pupil B's evidence accords with a note of a meeting held on 21 August 2009 in which Pupil B explained what she had seen, and her discussion with Mr Wilkes during the school's disciplinary investigation.

The panel was satisfied that in light of Pupil B's evidence and Mr Wilkes' admission this allegation is found proven.

b. you informed the school that Pupil A had kissed you on the cheek when in fact;

- i. you had passionately kissed Pupil A;**
- ii. you were at that time engaged in a sexual relationship with Pupil A.**

Mr Wilkes admits this allegation in his statement of agreed facts. Mr Wilkes accepted that he attended a meeting with the headmaster on 21 August 2009, and that whilst during the meeting he agreed there was a kiss, he suggested that Pupil A had kissed him on the

cheek and implied that the kiss was due to comforting Pupil A. He acknowledges submitting a statement for the disciplinary meeting on 9 September 2009. This statement refers to Pupil A having talked about her problems with Mr Wilkes, and that Pupil A often spoke with him about [redacted]. It went on to state that Pupil A had leaned across and kissed him on his left cheek, and it was this incident that he believed Pupil B had witnessed. Mr Wilkes now admits that the kiss witnessed by Pupil B was not a peck on the cheek, but rather a passionate kiss, and at the time, he was engaged in a sexual relationship with Pupil A.

The note of a meeting with Pupil B for the school's investigation describes that before entering the room where Pupil A was working, she looked through the window and saw Pupil A on a chair in front of an easel with her head turned "snogging Mr Wilkes passionately". This accords with the evidence Pupil B has provided for the purpose of these proceedings. She stated that Mr Wilkes and Pupil A were in full flow kissing.

Given Pupil B's evidence of what she observed, the evidence of the information Mr Wilkes gave for the disciplinary meeting on 9 September 2009 (that Mr Wilke's now accepts was incorrect) and Mr Wilkes' conviction for offences of sexual activity with Pupil A, the panel found this allegation proven.

5. Your conduct as may be found proven at allegation 4a and/or 4b above lacked integrity and/or was dishonest in that you were seeking to conceal your conduct.

In the statement of agreed facts, Mr Wilkes admits his conduct at allegation at 4a and/or 4b lacked integrity and was dishonest in that he was seeking to conceal his conduct. It goes on to state that Mr Wilkes accepts that a professional person is expected to adhere to the ethical standard of their profession. As a member of the teaching profession, the panel considers that Mr Wilkes would be expected to uphold the trust placed in him by the School in his dealings with the School over his conduct. As such the panel found that his conduct at allegation 4a and 4b above lacked integrity.

Mr Wilkes has also admitted that he knowingly sought to conceal his relationship with Pupil A and to mislead the School. The panel considered that it was plain that Mr Wilkes had sought to conceal his relationship and that the ordinary honest person would regard that behaviour as dishonest.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found allegations 2 - 5 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”.

In doing so, the panel had regard to its knowledge and experience as to the teaching standards at the time of the allegations, i.e. in 1990 in relation to allegations 2 and 3, and 2008 in relation to allegations 4 and 5. In the panel’s experience of that time, it considers that it was not appropriate for a teacher to have a sexual relationship with a pupil and his relationship with Pupil C was a breach of the trust placed in Mr Wilkes. Furthermore, the panel considers that, at that time, it would not have been appropriate for Mr Wilkes to use his position as a teacher to influence Pupil B not to tell anyone of his relationship with Pupil A, nor to provide dishonest responses in the course of the School’s investigation. The panel considered that standards of maintaining appropriate boundaries with pupils, and honesty are ones that were expected at the time.

The panel was satisfied that the conduct of Mr Wilkes fell significantly short of the standard of behaviour expected of a teacher, at the time.

The panel also considered whether Mr Wilkes’ conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offences of fraud or serious dishonesty and sexual activity were 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 allegation 4.a. took place outside the education setting, and therefore would only be relevant if it affects the way the person fulfils their teaching role, or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way. Instructing Pupil B not to tell anyone that he had kissed Pupil A, led her to feel unsure of what would happen to her if she reported the matter, being scared of not being believed of how she feels being around Mr Wilkes in those circumstances. This had an impact on Pupil B who should not have been placed in that position. Mr Wilkes’ instruction to Pupil B may have led to his relationship with Pupil A not coming to light sooner, and therefore lead to Pupil B being influenced by his behaviour in a harmful way. Having taken this course of action in the past to conceal his behaviour, the panel considered there is a real risk of Mr Wilkes acting in a similar way again.

Accordingly, the panel was satisfied that Mr Wilkes 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 they behave. The conduct found proven would, at the time, have brought the profession into disrepute if it had become known at the time. The panel does not consider that the passage of time has altered that position.

The panel is very clear that it is not professionally acceptable for a teacher to enter into a sexual relationship with a pupil.

The conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of particulars 2, 3, 4 and 5 proved, the panel further found that Mr Wilkes's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Having found allegation 1 proved, the panel went on to consider whether the facts of this constituted a conviction of a relevant offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

In the panel's experience of that time, it considers that it was not appropriate for a teacher to have a sexual relationship with a pupil and the sexual activity in which he engaged with Pupil A, and for which he was convicted was a breach of the trust placed in Mr Wilkes. The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting, given that the sexual activity he engaged in with Pupil A that led to his conviction arose out of the teacher/pupil relationship.

The panel noted that the behaviour involved in committing the offence had an impact on the safety of Pupil A, who was a vulnerable pupil at the time. It also had an impact on Pupil B, who, having observed an incident, had the onus placed upon her of whether to report it, or not. This was a burden she should not have had to bear.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Wilkes' behaviour in committing the offence could, without doubt, affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Wilkes' behaviour ultimately led to a sentence of 20 months' imprisonment, which was indicative of the seriousness of the offences committed.

This was a case involving an offence of sexual activity which the Advice states is likely to be considered a relevant offence.

The panel took into account Mr Wilkes' record of having been employed at the School from 1988 until over the years 2019, and the headteacher's view of Mr Wilkes' having gone over and above his role as a classroom teacher, achieving some of the strongest results in the school, and having been nominated for a TES teaching award. However, the panel also noted its finding that during this period and some 18 years prior to the relationship that led to Mr Wilkes' conviction, Mr Wilkes had engaged in a sexual relationship with another pupil. Had this been known earlier, this would have discredited Mr Wilkes' record. The sexual activity Mr Wilkes engaged in with Pupil A could not therefore be said to be a one off incident in an otherwise unblemished career. In any event, the seriousness of the offending behaviour that led to the conviction was relevant to Mr Wilkes' ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel therefore found that Mr Wilkes' conviction was a conviction of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct; conduct that may bring the profession into disrepute; and conviction of a relevant offence, 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.

There was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children.

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

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

Whilst clearly, there is evidence that Mr Wilkes had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Wilkes in the profession since his behaviour fundamentally breached the standards of conduct expected of a teacher, and he sought to exploit his position of trust.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Wilkes.

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 Wilkes. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- actions or behaviours that underminethe rule of law, individual liberty...;
- 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;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures.

Even though there were behaviours found proved in this case that 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.

There was evidence that Mr Wilkes' actions were deliberate.

There was no evidence to suggest that Mr Wilkes was acting under duress, and, in fact, the panel found Mr Wilkes' actions to be calculated and motivated.

As referred to above, the headmaster of the School described Mr Wilkes as someone who threw himself into the life of the School, and that the pupils he taught received some of the strongest results in the School. He described that Mr Wilkes helped with events outside of his subject specialism including the Combined Cadet Force, rugby and ran numerous trips. On one occasion, the School nominated Mr Wilkes for a TES teaching award for outstanding teacher of the year, and Mr Wilkes came runner up. There were also two undated character references for Mr Wilkes in the bundle, and it is not known if these are recent, or historic. Both speak to his dedication and contribution to academic and extra-curricular activities. However, the panel also noted its finding that during his employment at the School and some 18 years prior to the relationship that led to Mr Wilkes' conviction, Mr Wilkes had engaged in a sexual relationship with another pupil. Had this been known earlier, this would have discredited Mr Wilkes' record.

Mr Wilkes has indicated that he pleaded guilty at the criminal court trial, and he has admitted all of the allegations against him in these proceedings. Mr Wilkes has stated that he "wish[es] to express [his] sorrow and deep feelings of shame that [he has] brought to the complainant and the teaching profession. In requesting for this meeting to be held, Mr Wilkes has stated that he "will always regret [his] actions and would not wish to subject those affected by those actions to have to attend a further hearing". Mr Wilkes has confirmed that he entirely accepts that his relationship with Pupil A and Pupil C were totally inappropriate, and that it is a matter of the utmost regret that he allowed them to happen. He indicates that he is "truly sorry for the pain he caused" Pupil A, Pupil C and their families. He also indicates that he deeply regrets involving and speaking to Pupil B in the way he did, and states that this was "unacceptable".

There are however, indications that Mr Wilkes does not entirely appreciate the impact that his actions have had on Pupil A. He has stated that he had since learned that Pupil A has stated that [redacted] was affected by these events, he states that he has been informed that the fault cannot be solely his, as she has had considerable issues [redacted]. He has referred to his achievements with regard to the performance of students in their academic life, and the support he provided to extracurricular life at the School. In that context, he has referred to the outstanding achievements of Pupil A, and the talents of Pupil C and her progression through University. He then states that the only "tiny bit of solace [he] can take from [his] unacceptable behaviour is knowing that [Pupil A, Pupil C and Pupil B] all achieved strong A level results and were able to further develop their talents... at University". The panel was concerned that Mr Wilkes appears to assume credit for the achievements of these pupils in his teaching of them, when he had so very badly taken advantage of his position as teacher.

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 Wilkes 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 Wilkes. The seriousness of Mr Wilkes misconduct, it being at the most severe end of the possible spectrum and having led to a sentence of imprisonment and 10 years on the Sex Offenders' Register indicated that a recommendation for a prohibition order is appropriate in this case. 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 to recommend that a review period of the order should be considered. 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 cases include: serious sexual misconduct, such as 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 his professional position to influence or exploit a person or persons. The behaviours also include fraud or serious dishonesty. The panel has found Mr Wilkes to have engaged in sexual activity with two pupils. There was evidence before the panel that indicated Pupil A was vulnerable, and nothing is known of the circumstances surrounding Pupil C's position. Mr Wilkes, nevertheless, used his position as a teacher to develop those relationships. Dishonesty has been found.

Given that Mr Wilkes has engaged in inappropriate relationships with two pupils, 18 years apart, and his actions to cover up that behaviour, the panel considered there was a real risk of repetition. As referred to above, whilst Mr Wilkes has expressed some remorse, he does not appear to have developed sufficient insight as to the impact of his actions on the pupils concerned.

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, conduct that may bring the profession into disrepute and a relevant conviction.

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

In particular, I have noted the panels comments regarding teaching standards “the panel had regard to its knowledge and experience as to the teaching standards at the time of the allegations, i.e. in 1990 in relation to allegations 2 and 3, and 2008 in relation to allegations 4 and 5. In the panel’s experience of that time, it considers that it was not appropriate for a teacher to have a sexual relationship with a pupil and his relationship with Pupil C was a breach of the trust placed in Mr Wilkes. Furthermore, the panel considers that, at that time, it would not have been appropriate for Mr Wilkes to use his position as a teacher to influence Pupil B not to tell anyone of his relationship with Pupil A, nor to provide dishonest responses in the course of the School’s investigation. The panel considered that standards of maintaining appropriate boundaries with pupils, and honesty are ones that were expected at the time.”

The panel was satisfied that the conduct of Mr Wilkes fell significantly short of the standard of behaviour expected of a teacher, at the time.

The findings of misconduct are particularly serious as they include a finding of inappropriate sexual relationships with two pupils, which led to a criminal conviction, abusing a position of trust and dishonesty.

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 Wilkes, 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, "Given that Mr Wilkes has engaged in inappropriate relationships with two pupils, 18 years apart, and his actions to cover up that behaviour, the panel considered there was a real risk of repetition." 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 Wilkes has confirmed that he entirely accepts that his relationship with Pupil A and Pupil C were totally inappropriate, and that it is a matter of the utmost regret that he allowed them to happen. He indicates that he is "truly sorry for the pain he caused" Pupil A, Pupil C and their families." The panel has also commented "There are however, indications that Mr Wilkes does not entirely appreciate the impact that his actions have had on Pupil A. He has stated that he had since learned that Pupil A has stated that [redacted] was affected by these events, he states that he has been informed that the fault cannot be solely his, as she has had considerable issues [redacted]." In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk future pupils' wellbeing. 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, "Mr Wilkes' behaviour in committing the offence could, without doubt, affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community."

I am particularly mindful of the finding of a conviction involving sexual activity with a pupil 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 Wilkes himself and the panel comment "the headmaster of the School described Mr Wilkes as someone who threw himself into the life of the School, and that the pupils he taught received some of the strongest results in the School. He described that Mr Wilkes helped with events outside of his subject specialism including the Combined Cadet Force, rugby and ran numerous trips" and "the panel also noted its finding that during his employment and the School and some 18 years prior to the relationship that led to Mr Wilkes' conviction, Mr

Wilkes had engaged in a sexual relationship with another pupil. Had this been known earlier, this would have discredited Mr Wilkes' record".

A prohibition order would prevent Mr Wilkes 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 panel's comments concerning the lack of full insight "he has referred to the outstanding achievements of Pupil A, and the talents of Pupil C and her progression through University. He then states that the only "tiny bit of solace [he] can take from [his] unacceptable behaviour is knowing that [Pupil A, Pupil C and Pupil B] all achieved strong A level results and were able to further develop their talents... at University". The panel was concerned that Mr Wilkes appears to assume credit for the achievements of these pupils in his teaching of them, when he had so very badly taken advantage of his position as teacher."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Wilkes 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 no provision should be made for a review period.

I have considered the panel's comments "Given that Mr Wilkes has engaged in inappropriate relationships with two pupils, 18 years apart, and his actions to cover up that behaviour, the panel considered there was a real risk of repetition. As referred to above, whilst Mr Wilkes has expressed some remorse, he does not appear to have developed sufficient insight as to the impact of his actions on the pupils concerned."

I have considered whether not allowing 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, factors mean that allowing a 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 sufficient insight regarding the impact to the pupils concerned.

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 Colin Wilkes is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or

children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Wilkes 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 Colin Wilkes 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 stylized initial 'S' and 'B'.

Decision maker: Sarah Buxcey

Date: 9 February 2022

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