



Teaching
Regulation
Agency

Mr Matthew Mowbray: Professional conduct panel meeting outcome

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

May 2022

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

Teacher:	Mr Matthew Mowbray
Teacher ref number:	9404952
Teacher date of birth:	21 June 1971
TRA reference:	19179
Date of determination:	13 May 2022
Former employer:	Eton College

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 May 2022, by virtual means, to consider the case of Mr Matthew Mowbray.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Ms Hilary Jones (lay panellist) and Paul Millett (lay panellist).

The legal adviser to the panel was Graham Miles of Blake Morgan 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 Matthew Mowbray that the allegations be considered without a hearing. Mr Mowbray provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Mowbray or any representative of Mr Mowbray.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 5 May 2022.

It was alleged that Mr Matthew Mowbray had been convicted at any time of a relevant offence, in that, on or around 17 December 2020, he was convicted at Reading Crown Court of:

1. eight offences of sexual activity with male children under the age of 16, between 1 September 2012 and 14 May 2019 contrary to the Sexual Offences Act, s.9(a), and
2. six offences of making indecent photographs or pseudo photographs of children between 14 July 2019 and 23 May 2019 contrary to the Protection of Children Act 1978 s.1(a), and
3. one offence of voyeurism, recording a person doing a private act on 23 May 2019 contrary to the Sexual Offences Act 2003, s67(3).

Mr Mowbray admitted the above allegations and signed a statement of agreed facts to that effect.

Mr Mowbray further admitted that the offences of which he was convicted were relevant offences.

Preliminary applications

As the Notice of Meeting had not been sent to the panel in advance of the meeting, the panel requested and received a copy of the Notice of Meeting dated 5 May 2022, which was added to section 1 of the bundle as pages 17A and 17B.

Summary of evidence

Documents

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

Section 1: Notice of Referral, Response and Notice of Meeting – pages 2 to 17B

Section 2: Statement of Agreed Facts and Presenting Officer representations – pages 18 to 22

Section 3: Teaching Regulation Agency documents – pages 23 to 46

Section 4: Teacher documents – None

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting and the Notice of Meeting at the outset of the meeting. The panel confirmed that there were no conflicts of interest.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Mowbray on 28 November 2021.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Mowbray 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 Matthew Mowbray was employed at Eton College between 1 September 1993 and 3 March 2020 as a geography teacher and as a housemaster from 7 September 2010.

On 17 May 2019 Mr Mowbray was arrested on suspicion of sexual assault and released on police bail. He was subsequently charged with 16 offences, comprising nine counts of sexual activity with a child under the age of 16, six counts of making indecent photographs/pseudo photographs of children and one count of voyeurism recording a person doing a private act. He pleaded guilty to the six counts of making indecent photographs/pseudo photographs and not guilty to the remaining 10 counts. He was tried at the Crown Court at Reading before [REDACTED] The jury returned verdicts of guilty in relation to eight of the nine counts of sexual activity with a child and the one count of voyeurism.

Mr Mowbray was sentenced to an effective total of five years imprisonment. He was made the subject of a Sexual Harm Prevention Order for 10 years and a Sex Offenders notice for life.

Findings of fact

The findings of fact are as follows:

It was alleged that you have been convicted, at any time, of a relevant offence, in that, on or around 17 December 2020, you were convicted at Reading Crown Court of:

- 1. eight offences of sexual activity with male children under the age of 16, between 1 September 2012 and 14 May 2019 contrary to the Sexual Offences Act, s.9(a), and**
- 2. six offences of making indecent photographs or pseudo photographs of children between 14 July 2019 and 23 May 2019 contrary to the Protection of Children Act 1978 s.1(a), and**
- 3. one offence of voyeurism, recording a person doing a private act on 23 May 2019 contrary to the Sexual Offences Act 2003, s67(3).**

Mr Mowbray admitted that he was convicted of these offences and signed a statement of agreed facts to that effect. The panel was also provided with a certificate of conviction from the Crown Court at Reading, which the panel was advised should be treated as conclusive proof of the commission of the offences concerned.

The panel was also provided with a transcript of the sentencing hearing. This described the offences of sexual activity with a child as involving four boys over a period of six years. Further, that when Mr Mowbray was arrested for those offences, the police found approximately 4,500 indecent images of children on his computer. As regards the offence of voyeurism, this was described as Mr Mowbray covertly filming a child dressing or undressing in the privacy of his own room.

The panel found allegations 1, 2 and 3 proved.

Findings as to conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proven allegations amounted to convictions of relevant offences.

Mr Mowbray admitted that the convictions were for relevant offences. The panel took this admission into account, but made its own determinations. In doing so, the panel considered whether the convictions were for offences that are relevant to a person's fitness to be a teacher.

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 Mowbray in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Mowbray was in breach of the following standards:

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

- Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the behaviour involved in committing the offences had significant effects on the pupils, which were described by the judge as 'lasting', including depression, anxiety, stress, nervousness, loss of confidence, embarrassment, physical and psychological and sadness.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Mowbray's behaviour in committing the offences would 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 Mowbray's behaviour ultimately led to a significant sentence of imprisonment, which was indicative of the seriousness of the offences committed.

The panel noted that the judge said that Mr Mowbray did have a previously good history. The sentencing transcript also referred to [REDACTED] as factors that contributed to the offences. However, these were serious offences involving sexual activity with four pupils over a period of approximately six years and were offences which the judge described as for Mr Mowbray's sexual gratification.

The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of convictions of relevant offences, 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 a number of them to be relevant in this case, namely: the protection of pupils, the protection of other members the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Mowbray, which involved offences of sexual activity with children who were his pupils, making indecent photographs/pseudo photographs of children and voyeurism, there was a strong public interest consideration in respect of the protection of pupils.

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

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

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 Mowbray. 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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making and possessing any indecent photograph or image or pseudo photograph or image of a child;
- the commission of a serious criminal offence, including those that resulted in a conviction, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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

Mr Mowbray had no previous convictions. There was no evidence that Mr Mowbray was acting under duress. His actions were deliberate. Indeed, the trial judge said to Mr Mowbray [REDACTED]

[REDACTED] noted and accepted the feelings of shame and remorse expressed by Mr Mowbray towards the victims, their families and his own family. Mr Mowbray was also given credit for work that Mr Mowbray had carried out with a psychotherapist and psychologist since July 2019. However, the judge also stated, *'In my view it is likely that you currently pose a risk to teenage boys'*.

In his own written submission Mr Mowbray said: *'Given that I have been sent to prison, this is an open and shut case. I should not teach again'*.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Mowbray 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 Mowbray. 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 behaviours 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;
- any activity involving viewing, taking, making or possessing any indecent photograph or image or pseudo photograph or image of a child.

The panel found that Mr Mowbray exhibited these behaviours.

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 relevant convictions.

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

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

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

- Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also “noted that the behaviour involved in committing the offences had significant effects on the pupils, which were described by the judge as 'lasting', including depression, anxiety, stress, nervousness, loss of confidence, embarrassment, physical and psychological and sadness.”

The panel also “took account of the way the teaching profession is viewed by others. The panel considered that Mr Mowbray's behaviour in committing the offences would affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.”

The findings of misconduct are particularly serious as they include a finding of relevant convictions for sexual activity with children, possession of indecent images of children and an act of voyeurism.

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 Mowbray, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, “that the behaviour involved in committing the offences had significant effects on the pupils, which were described by the judge as 'lasting', including depression, anxiety, stress, nervousness, loss of

confidence, embarrassment, physical and psychological and sadness.” 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, “Her Honour [REDACTED] noted and accepted the feelings of shame and remorse expressed by Mr Mowbray towards the victims, their families and his own family. Mr Mowbray was also given credit for work that Mr Mowbray had carried out with a psychotherapist and psychologist since July 2019. However, the judge also stated, *'In my view it is likely that you currently pose a risk to teenage boys'*.

In his own written submission Mr Mowbray said: *'Given that I have been sent to prison, this is an open and shut case. I should not teach again'.*”

In my judgement, this overall picture means that there is some considerable risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel considered that Mr Mowbray's behaviour in committing the offences would 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 sexual misconduct with children in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Mowbray himself. The panel comment “Mr Mowbray had no previous convictions.”

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

In this case, I have placed considerable weight on the panel’s comments concerning, “the trial judge said to Mr Mowbray: *'You knew what you were doing, but you continued to*

take the opportunities afforded to you as a housemaster to abuse children for your own gratification'."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Mowbray 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.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

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

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

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

The panel found that Mr Mowbray exhibited these behaviours."


I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review period is necessary are the serious nature of the convictions, the sustained nature of the convictions and the identified risk of repeat behaviour.

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 Matthew Mowbray 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 Matthew Mowbray 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 Matthew Mowbray 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 grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 17 May 2022

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