



Teaching
Regulation
Agency

Mr Ryan Gilks: Professional conduct panel outcome

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

November 2020

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

Teacher: Mr Ryan Gilks
Teacher ref number: 0781344
Teacher date of birth: 11 July 1984
TRA reference: 18620
Date of determination: 26 November 2020
Former employer: St Joseph's Catholic College, Swindon

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 26 November 2020 by video link to consider the case of Mr Ryan Gilks.

The panel members were Mr Steve Woodhouse, (teacher panellist – in the chair), Mrs Alison Feist (former teacher panellist) and Mrs Alison Platts (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Ben Bentley of Browne Jacobson LLP solicitors.

Mr Gilks was present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 9 October 2020.

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

1. He engaged in inappropriate contact with Pupil A, whom he had taught during the period between 2008 and 2011, by sending her inappropriate messages on Facebook in 2013, in which he:
 - a. sought information relevant to Pupil A's whereabouts;
 - b. attempted to meet up with Pupil A;
 - c. offered to purchase food for Pupil A;
 - d. referred to Pupil A's relationship with her boyfriend;
 - e. on 20th May 2013 suggested "its kinda ok" for girls to take photographs of themselves;
 - f. on 18th August 2013 stated "so any other pics from your dressing up earlier";
 - g. on 21st August 2013 stated "thinking of my lovely lady as I go to bed".

Mr Gilks admitted the alleged facts and also admitted his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of proceedings, response and statement of agreed facts – pages 5 to 17

Section 3: Teaching Regulation Agency witness statements – pages 19 to 175

Section 4: Teaching Regulation Agency documents – pages 177 to 262

Section 5: Teacher documents – pages 264 to 279

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

Witnesses

No witnesses were called by the presenting officer.

The panel heard oral evidence from Mr Ryan Gilks at the final stage.

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 Ryan Gilks was employed as an expressive arts teacher at the St Joseph's Catholic College ('the School') between 2008 and 2011. He was re-employed as a teacher at the School between 1 January 2014 and 2 February 2014.

On or around 4 February 2014, Pupil A, a former pupil at the School made a disclosure to her tutor at the [REDACTED] in respect of communication between her and Mr Gilks in 2013, which had occurred when Mr Gilks had accepted a social media request to connect with Pupil A.

Mr Gilks admitted the factual allegations against him and signed a statement of agreed facts. Mr Gilks admitted that he engaged in inappropriate contact with Pupil A, whom he had taught between 2008 and 2011, by sending her inappropriate messages on Facebook in 2013.

Findings of fact

The findings of fact are as follows:

- 1. You engaged in inappropriate contact with Pupil A, whom you had taught during the period between 2008 and 2011, by sending her inappropriate messages on Facebook in 2013, in which you:**
 - a. sought information relevant to Pupil A's whereabouts;**

Mr Gilks admitted that, when communicating with Pupil A on Facebook in 2013, he sought information relevant to Pupil A's whereabouts. Mr Gilks accepted that he made a number of attempts to ascertain Pupil A's whereabouts, including by making the following comments to Pupil A on Facebook:

- a. *"You in college on Wednesday?"* on 15 April 2013;
- b. *"What you up to tonight?"* on 16 April 2013;
- c. *"So where do you live"* on 16 April 2013;
- d. *"Boo...So talk me through your day tomorrow"* on 18 April 2013;
- e. *"I mean talk me through what your day is like tomorrow"* on 16 April 2013;
- f. *"What you doing tomorrow?"* on 19 April 2013;
- g. *"So what's the plan this week?"* on 22 April 2013;
- h. *"What you up to today?"* on 22 May 2013;
- i. *"What you up to?"* on 22 May 2013;
- j. *"What you doing late November?"* on 10 July 2013;
- k. *"Where at?"* on 17 August 2013 in respect of Pupil A's performances;
- l. *"Ha! Where was the party?"* on 17 August 2013;
- m. *"What you up to tomorrow?"* on 18 August 2013;
- n. *"What you up to?"* on 3 September 2013.

On 16 April 2013, Pupil A told Mr Gilks that she had a job. Mr Gilks responded "Yea?? *Where at?*" to which Pupil A replied [REDACTED] Mr Gilks admitted that he continued to ask Pupil A where the house was, whether it was a charity shop and the date when Pupil A started her job.

Mr Gilks acknowledged that, by seeking information relevant to Pupil A's whereabouts, he was engaging in inappropriate contact with Pupil A by sending such inappropriate messages.

The panel found 1.a. proved.

b. attempted to meet up with Pupil A;

Mr Gilks admitted that, when communicating with Pupil A on Facebook in 2013, he attempted to meet up with Pupil A.

Mr Gilks acknowledged that he met Pupil A at her College on 17 April 2013. Mr Gilks accepted that, afterwards, he made a number of attempts to meet up with Pupil A again, including by making the following comments on Facebook;

- a. *"So do you ever get a whole day off or an Afternoon [sic] off?"* on 17 April 2013;
- b. *"Fancy going for lunch before I go back?"* on 7 May 2013;
- c. *"Meet me tomorrow"* on 22 May 2013;
- d. *"Going to town later?"* on 22 May 2013;
- e. *"I'm going to be in town tomorrow if you're around"* on 22 May 2013;
- f. *"Well in [sic] back in November if you fancy a catch up?"* on 10 July 2013;
- g. *"Fancy a day out?"* on 21 July 2013;
- h. *"I'm home last week in November in other news"* on 14 November 2013;
- i. *"Cool. I'm back end of November. Have a catch up?"* on 15 August 2013;
- j. *"Was thinking when I'm back, fancy a day out somewhere?"* on 17 August 2013;
- k. *"Well ill [sic] be free anytime. So it could be weekday or evening or weekend"* on 17 August 2013;
- l. *"Well it'd be cool if we could get out of Swindon for the day"* on 17 August 2013;
- m. *"Dunoo... Guess i [sic] wanna see ya"* on 20 August 2013;
- n. *"You were on my mind today though"* on 20 August 2013.

Mr Gilks acknowledged that, in seeking to meet up with Pupil A, he was engaging in inappropriate contact with Pupil A by sending such inappropriate messages.

The panel found 1.b. proved.

c. offered to purchase food for Pupil A;

Mr Gilks admitted that, when communicating with Pupil A on Facebook in 2013, he offered to purchase food for Pupil A.

Mr Gilks admitted that he made the following comments to Pupil A on Facebook offering to purchase food for Pupil A:

- a. *"Well I'll get a hot lunch if you want?"* on 16 April 2013;
- b. *"Oh yes forget [sic] you were. Well if there's something there you want I'll get it for you"* on 16 April 2013;
- c. *"Fancy going for lunch before I go back?"* on 7 May 2013;
- d. *"Well wherever we go has to have nice restaurants. I will treat you"* on 17 August 2013.

Mr Gilks acknowledged that, in offering to purchase food for Pupil A, he was engaging in inappropriate contact with Pupil A by sending such messages.

The panel found 1.c. proved.

d. referred to Pupil A's relationship with her boyfriend;

Mr Gilks admitted that, when communicating with Pupil A on Facebook in 2013, he referred to Pupil A's relationship with her boyfriend

Mr Gilks admitted that he made the following comments to Pupil A on Facebook as to her relationship with her boyfriend:

- a. *"And congrats on your new addition of a bf"* on 20 May 2013;
- b. *"Oh dear he's one of those who take photos of themselves in the mirror..."* on 20 May 2013;
- c. *"Cool. Still with your fella?"* on 2 July 2013;
- d. *"Oh dear. Hope you're ok and that he didn't hurt you"* on 3 July 2013;
- e. *"Lush. Still with your bf?"* on 14 August 2013.

Mr Gilks admitted that, in making such comments to Pupil A, he was engaging in inappropriate contact with Pupil A on Facebook.

The panel found 1.d. proved.

e. on 20th May 2013 suggested "it's kinda ok" for girls to take photographs of themselves;

Mr Gilks admitted that, when communicating with Pupil A on Facebook, he suggested *"its kinda ok"* for girls to take photographs of themselves on 20 May 2013.

Mr Gilks admitted that, in making such comments to Pupil A, he was engaging in inappropriate contact with Pupil A on Facebook.

The panel found 1.e. proved.

f. on 18th August 2013 stated "so any other pics from your dressing up earlier";

Mr Gilks admitted that, when communicating with Pupil A on Facebook, he stated "*so any other pics from your dressing up earlier?*"

Mr Gilks admitted that, in making such comments to Pupil A, he was engaging in inappropriate contact with Pupil A on Facebook.

The panel found 1.f. proved

g. on 21st August 2013 stated "thinking of my lovely lady as I go to bed".

Mr Gilks admitted that, when communicating with Pupil A on Facebook, he stated "*thinking of my lovely lady as I go to bed*" on 21 August 2013.

The panel found 1.g. proved.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr Gilks admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel took these admissions into account but made its own determinations. 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 Gilks, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Gilks was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The panel also considered whether Mr Gilks' conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

The panel noted that the allegations took place outside the education setting. However, having previously taught Pupil A, Mr Gilks had gained her trust in his role as her teacher. Furthermore, Mr Gilks had exploited his influential role as her teacher in the sustained contact with Pupil A.

Accordingly, the panel was satisfied that Mr Gilks 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 Mr Gilks' status as a teacher, potentially damaging the public perception.

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

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and

proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found 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 Gilks, which involved engaging in inappropriate contact with a former pupil by sending her messages on Facebook, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate contact with a former pupil.

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

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 Gilks.

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 Gilks. 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;
- abuse of position or trust...;

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

The panel has taken into account the fact that Mr Gilks has engaged with these proceedings by attending this hearing. He unequivocally admitted the allegations and apologised to Pupil A, her family, his own family and the schools involved. He said that

he was ashamed of his conduct and acknowledged that he had 'fallen horrendously short' of the standards required of a teacher.

Mr Gilks has not been the subject of any previous proceedings brought by the TRA.

Although there is no evidence that he was acting under duress, Mr Gilks referred to a number of personal circumstances that were present in 2013 which he felt contributed to his behaviour.

During his evidence, Mr Gilks described his growing understanding of the importance of safeguarding as result of training that he had undertaken since 2013. He also described an incident when he referred an inappropriate contact request from a pupil to senior management. In addition, he said that he had made three safeguarding referrals in the course of his more recent work.

Mr Gilks was able to reflect and show some insight into his conduct. However, the panel was not satisfied that he has demonstrated a complete understanding of the implications of his actions. He appeared unable to distinguish between his actions and his emotional response towards particular individuals involved.

Mr Gilks provided a number of positive character references from former work colleagues, although they related to his first few years as a teacher. Mr Gilks explained that he has not worked as teacher since February 2014. Mr Gilks said that he was not completely sure if he wished to return to teaching. A reference was provided by the Artistic Director of a theatre company with whom Mr Gilks has been working more recently. The reference described Mr Gilks as 'very positive and professional' when working with a group of 11 to 16 year olds.

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 Gilks 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 Gilks. The lack of complete insight was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend 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 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 review after a period of two years. The panel was of the view that this period will enable Mr Gilks to demonstrate to a future panel that he has developed complete insight.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

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

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

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

The findings of misconduct are particularly serious as they include a finding of which involved engaging in inappropriate contact with a former pupil by sending her messages on Facebook.

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 Gilks 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 noted that although “the allegations took place outside the education setting. However, having previously taught Pupil A, Mr Gilks had gained her trust in his role as her teacher. Furthermore, Mr Gilks had exploited his influential role as her teacher in the sustained contact”. 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, “He unequivocally admitted the allegations and apologised to Pupil A, her family, his own family and the schools involved. He said that he was ashamed of his conduct and acknowledged that he had ‘fallen horrendously short’ of the standards required of a teacher”. The panel has also commented “Mr Gilks was able to reflect and show some insight into his conduct. However, the panel was not satisfied that he has demonstrated a complete understanding of the implications of his actions”. In my judgement, the lack of complete insight means that there is some risk of the repetition of this behaviour. 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 decided that the public interest considerations outweighed the interests of Mr Gilks. The lack of complete insight was a significant factor in forming that opinion. I am particularly mindful of the finding of serious misconduct and that Mr Gilks exploited his influential role as her teacher in the sustained contact with the pupil 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 Gilks himself. I understand he is currently not working as a teacher and although the panel were provided with a number of positive character references from former work colleagues, I have also noted “Mr Gilks explained that he has not worked as teacher since February 2014. Mr Gilks said that he was not completely sure if he wished to return to teaching”. A prohibition order would prevent Mr Gilks 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.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Gilks has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by complete remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period and were of the view that this period will enable Mr Gilks to demonstrate to a future panel that he has developed complete insight.

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 decided that a two year review period is required.

This means that Mr Ryan Gilks 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 02 December 2022, 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 Gilks remains prohibited from teaching indefinitely.

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

Mr Gilks 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 'SABuxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 30 November 2020

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