



Teaching
Regulation
Agency

Mr Andrew Watson: Professional conduct panel 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 Andrew Watson
Teacher ref number:	3836936
Teacher date of birth:	21 November 1992
TRA reference:	19252
Date of determination:	25 May 2022
Former employer:	Marish Academy Trust

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 24 to 25 May 2022 by way of a virtual hearing, to consider the case of Mr Andrew Watson.

The panel members were Dr Zubair Hanslot (lay panellist – in the chair), Ms Shamaila Qureshi (lay panellist) and Ms Rachel Cooper (teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

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

Mr Watson was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 1 February 2022, as amended by the presenting officer's application set out below.

It was alleged that Mr Watson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Marish Academy Trust he:

1. Failed to maintain appropriate professional boundaries in relation to one or more female pupils including by:
 - a. Hugging them;
 - b. Allowing them and/or failing to prevent them from accessing his personal mobile phone;
 - c. Allowing them and/or failing to prevent them from touching and/or playing with his hair; and
 - d. Allowing and/or failing to prevent them from being in his room in circumstances where:
 - i. he was the only member of staff present; and
 - ii. the door was shut.
2. Following his suspension, a condition of which was to not contact any pupil from the school he:
 - a. Was in contact with one or more pupils in that he provided football coaching to them; and
 - b. Failed to notify the school that he would be and/or had been in contact with one or more pupils through football coaching.
3. His behaviour as may be found proven at Allegation 1 above was despite management advice given to him in or around:
 - a. March 2019;
 - b. June 2019; and
 - c. 8 October 2019.

Mr Watson made no admissions in respect of the allegations, and did not provide the TRA with any formal response in respect of this matter.

Preliminary applications

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.

Application to proceed in the absence of the teacher

Mr Watson was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Watson.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to within it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the notice of proceedings had been sent to Mr Watson in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession April 2018 (the “Procedures”).

The panel noted an email from Mr Watson (sent from [REDACTED]) to the TRA dated 3 September 2020. Within that email Mr Watson stated: *“After receiving the latest letter I would like you to put down for this to go ahead as a private meeting without me and to be done ASAP if possible and for me to be able to write my part on all this. Is this possible?”*

The panel was referred to a “proceeding in absence bundle” which contained details of subsequent attempts by the TRA and presenting officer firm, Browne Jacobson to contact Mr Watson by post and by email to [REDACTED]. It did not appear that these documents had been returned undelivered. The panel was informed that Mr Watson had stopped engaging with the TRA and Browne Jacobson and that he had not provided any response to the allegations or notice of hearing. As such, it was not possible for this matter to proceed as a professional conduct panel meeting.

The panel concluded that Mr Watson’s absence was voluntary and that he was aware that the matter would proceed in his absence. The panel considered that Mr Watson did not intend to attend the hearing given the content of his email dated 3 September 2020.

The panel noted that Mr Watson had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Watson was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Watson was neither present nor represented.

Application to amend allegations

The presenting officer made an application to amend allegation 2 to change “*..a condition of which was to contact any pupil..*” to “*..a condition of which was to not contact any pupil..*” and allegation 2(a) from “*Was in contact with pone or more..*” to “*Was in contact with one or more..*”.

The panel was advised that it had the power to amend allegations in accordance with paragraph 4.56 of the Procedures.

The panel considered that the proposed amendment to allegation 2 clarified the logical scope of the allegation and the proposed amendment to allegation 2(a) was to correct a typographical error. The panel was therefore satisfied that the proposed amendments would not change the nature and scope of the allegations, nor did they amount to a material change to the allegations.

The panel noted that Mr Watson had not been informed of the proposed changes to the allegations. However, it did not consider that granting the application for the proposed amendments would cause any unfairness or prejudice to Mr Watson on the basis that the amendments simply clarified the allegations and corrected typographical errors.

Accordingly, the panel granted the application and considered the amended allegations, which are set out above.

Jurisdiction

In an email to Browne Jacobson dated 11 May 2020 Mr Watson submitted that he was never employed as a teacher and instead was employed as an unqualified teacher and that his title later changed to Sports Coach.

The panel therefore considered whether Mr Watson was a teacher at the relevant time for the purpose of the Teachers’ Disciplinary (England) Regulations 2012, (the ‘Regulations’).

Paragraph 2 of the Regulations defines a 'teacher' as "*a person who is employed or engaged to carry out teaching work at (a) a school in England; (b) a sixth form college in England; (c) relevant youth accommodation in England; (d) a children's home in England; (e) where section 53 of the Education Act 2011 is fully in force; or (f) a 16 to 19 Academy.*"

Further, 'teaching work' is defined by Paragraph 3 as "*(1) Subject to paragraph (3), each of the following activities is teaching work for the purposes of these Regulations—*

(a) planning and preparing lessons and courses for pupils;

(b) delivering lessons to pupils;

(c) assessing the development, progress and attainment of pupils; and

(d) reporting on the development, progress and attainment of pupils.

(3) The activities specified in paragraph (1) are not teaching work for the purposes of these Regulations if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the head teacher to provide such direction and supervision."

The panel considered the presenting officer's representations that there was jurisdiction to hear this matter because Mr Watson was carrying out teaching work as set out in the Regulations.

The panel also considered a written witness statement from Witness A. Witness A stated that Mr Watson was employed as an unqualified teacher and a sports/PE coach. She further stated that, on 27 February 2019, Mr Watson was sent a statement of terms and conditions of employment for his role as unqualified teacher and, on 8 July 2019, he was sent a statement of terms and conditions for his role as a sports coach.

In her witness statement, Witness A stated that, although Mr Watson was employed as an unqualified teacher his duties mirrored those which were undertaken by any other qualified teacher. Witness A's statement confirmed that Mr Watson was responsible for planning and preparing lessons for pupils, delivering PE lessons to pupils, assessing the development, progress and attainment of pupils and organising and accompanying children to tournaments and fixtures in the local area. Mr Watson also had responsibility as a learning mentor, and in this capacity, he supported vulnerable children or groups of children in a Year 5 and Year 6 classroom under the direction of the class teacher.

The panel was provided with copies of Mr Watson's timetables for the 2018/2019 and 2019/2020 academic years which demonstrated that he delivered lessons to pupils.

The panel was satisfied that Mr Watson was a teacher at the relevant time within the meaning of the Regulations and accordingly it was satisfied that the TRA had appropriate jurisdiction in respect of this matter.

Summary of evidence

Documents

In advance of the hearing, the panel received the following documents:

Substantive bundle

- Section 1: Notice of referral and proceedings – pages 5 to 14
- Section 2: Teaching regulation agency witness statements – pages 16 to 60
- Section 3: Teaching Regulation Agency documents – pages 62 to 133

Proceeding in the absence bundle

- Section 1: Correspondence to teacher at investigation stage – page 3
- Section 2: Correspondence to teacher at hearing stage – pages 5 to 26

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

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness B
- Witness C
- Witness D

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 Watson joined Marish Academy Trust ('the Trust') in February 2019 as an unqualified teacher and a sports coach. The Trust is comprised of Marish Primary School and Willow Primary School.

In March 2019, a management meeting was held with Mr Watson regarding his alleged overfamiliarity with female pupils.

In May 2019, further concerns were raised regarding Mr Watson's alleged overfamiliarity with female pupils. A second management meeting was held in June 2019.

Mr Watson received further safeguarding training in August 2019.

Further concerns were raised in October 2019, in particular regarding an alleged incident where Mr Watson was alone with a number of female pupils in the PE office.

A formal investigation commenced in November 2019. Mr Watson resigned from his position in December 2019.

Findings of fact

The findings of fact are as follows:

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

- 1. You failed to maintain appropriate professional boundaries in relation to one or more female pupils including by;**
 - a. Hugging them;**
 - b. Allowing them and/or failing to prevent them from accessing your personal mobile phone;**
 - c. Allowing them and/or failing to prevent them from touching and/or playing with your hair; and**
 - d. Allowing and/or failing to prevent them from being in your room in circumstances where:**
 - i. you were the only member of staff present; and**
 - ii. the door was shut.**

The panel considered the oral evidence it heard from Witness B, C and D in addition to the bundle of documents before it.

Mr Watson did not attend the hearing and he did not provide any written or oral representations or response to the allegations against him. The panel was provided with a copy of the notes of an investigation meeting the Trust held with Mr Watson, which it considered.

The panel found Witness B, C and D to be credible, clear, and consistent witnesses. In particular, the panel noted that the evidence they gave was consistent with statements given to the Trust at the time the incidents took place and, furthermore, the behaviour they described was consistent and/or had a common theme.

Allegations 1(a) and 1(b)

Witness C stated that, in around October 2019, during break time, he witnessed Mr Watson surrounded by a number of year 6 girls on the playground. Witness C's evidence was that he was approximately 20 meters away from Mr Watson and he witnessed the pupils giving Mr Watson a hug, one after the other. Witness C considered that Mr Watson was encouraging or inviting his behaviour by holding his arms open for a hug. Mr Watson then took out his mobile phone in the presence of the pupils and some of the pupils were looking at the phone screen. Witness C was not close enough to see the phone screen and, whilst Mr Watson did not appear to be showing the pupils his phone, he was not seeking to prevent them from looking at it. The panel heard that this was a breach of the Trust's Mobile Phone Policy which set out that mobile phones should not be used in classrooms or areas of the school accessible to pupils. Witness C said that he understood Mr Watson was supposed to be mowing the school pitches at this time (a job sometimes undertaken by PE staff members), but had left the lawnmower unattended some distance away.

Witness D referred to an incident that took place in October 2019, which is described in more detail below, where he witnessed a pupil holding Mr Watson's phone whilst in the PE office. Witness D stated that when he walked in, Mr Watson asked the pupil to put his phone down.

The notes of the disciplinary investigation meeting indicated that Mr Watson could not recall either of these incidents. He stated that he would only "high five" a pupil and would not hug them. However, he went on to say that the pupils were "*huggers*" and would take "*flying leaps at you*". The panel found Mr Watson's comments to be contradictory in this regard. The panel noted that Mr Watson later remembered using his mobile phone on the playground during an incident when a child had an epileptic fit and he called an ambulance, however there was no other evidence before the panel that such an incident had taken place. In respect of the incident in the PE office, Mr Watson said that his phone was on the table and one of the pupils picked it up, but he immediately grabbed it off of her.

The notes of the disciplinary investigation meeting also indicated that Mr Watson understood the Trust's policy in respect of mobile phones. He confirmed that he could not use his phone around children but could have it in the staff room and his own office. He also stated that he had received safeguarding training and was a child welfare officer (presumably outside of the Trust).

On examination of the evidence from Witness C and Witness D and the documents before it, the panel was satisfied that, on the balance of probabilities, Mr Watson did hug one or more female pupils and he did allow one or more female pupils to access, or failed to prevent them from accessing, his personal mobile phone. The panel preferred the evidence of Witness C and Witness D over the comments made by Mr Watson in the disciplinary investigation notes, which it considered to be unreliable and contradictory. The panel was of the view that Mr Watson's conduct amounted to a failure to maintain appropriate boundaries. It is not appropriate for a teacher to invite or encourage physical contact from pupils. Furthermore, it is not appropriate to allow pupils to access, or fail to prevent them from accessing, a personal mobile phone.

The panel found allegations 1(a) and (b) proven.

Allegation 1(c)

Witness B stated that, in around June 2019, he witnessed a female pupil putting hair bobbles in Mr Watson's hair. Witness B's evidence was that Mr Watson did not appear to attempt to stop the pupil or move away and, in fact, appeared to be leaning forward to allow and encourage her to put hair bobbles in his hair.

The notes of the disciplinary investigation meeting indicated that, when asked about this, Mr Watson recalled a pupil coming up behind him in the corridor and touching his head. He said that he dealt with this immediately by removing her hand. This did not appear to relate to the incident Witness B referred to, and the panel was not presented any further evidence relating to the incident Mr Watson recalled.

On examination of the evidence from Witness B and the documents before it, the panel was satisfied that, on the balance of probabilities, Mr Watson had allowed, or failed to prevent, pupils touching and/or playing with his hair. The panel found this to be a failure to maintain appropriate boundaries; there was no reason for a pupil to be touching Mr Watson's hair and it was clearly inappropriate of Mr Watson to have allowed, or failed to prevent, this taking place.

The panel found allegation 1(c) proven.

Allegation 1(d)

Witness D stated that, in around October 2019, he went into the PE office during break time. The door to the office was closed and, when Witness D opened the door, he saw Mr Watson seated on his chair and leaning back with his legs on the table, surrounded by female pupils from year 5 or year 6. Witness D's evidence was that one of the pupils was holding Mr Watson's phone whilst he was on his tablet. Witness D said that, when he walked in, he asked "what's going on here" and Mr Watson then asked the pupil to put his phone down and asked the pupils to leave the office.

The notes of the disciplinary investigation meeting indicated that Mr Watson did not recall this incident. Mr Watson then stated that Witness D had been present in the office but, when questioned, could not remember if Witness D was already in the room when the pupils came in. The disciplinary investigation notes also indicated that Mr Watson understood that doors should always be open and another member of staff should be present. As outlined above, Mr Watson also confirmed that he had received safeguarding training.

The panel was satisfied that Mr Watson understood the Trust's policies, safeguarding requirements and best practice.

On examination of Witness D's evidence and the documents before it, the panel was satisfied that, on the balance of probabilities, Mr Watson had allowed, or failed to prevent, pupils from being in his room in circumstances where he was the only member of staff present and the door was shut. The panel preferred Witness D's evidence over the comments made by Mr Watson as part of the disciplinary process. The panel found this to be a failure to maintain appropriate boundaries in that Mr Watson should not have been alone with pupils in his room with the door shut.

The panel found allegation 1(d) proven.

In respect of the failure to maintain appropriate boundaries in general, the panel noted that, in the disciplinary investigation notes, Mr Watson had stated that he had worked in schools for eight years. When asked about boundaries and safeguarding, he stated that he took his job extremely seriously. The panel considered that this, together with the aforementioned references to safeguarding training and a separate position as a child welfare officer, indicated that Mr Watson had sufficient experience and understanding in respect of professional boundaries, yet failed to maintain such boundaries.

2. Following your suspension, a condition of which was to not contact any pupil from the school you:

a. Were in contact with one or more pupils in that you provided football coaching to them; and

b. Failed to notify the school that you would be and/or had been in contact with one or more pupils through football coaching.

The panel was not provided any clear evidence in respect of the conditions of Mr Watson's suspension. In particular, it was not provided with a copy of the suspension letter or any other communication from the Trust to Mr Watson about his suspension or details/conditions of the suspension.

The panel considered the witness statement and oral evidence of Witness D. Witness D submitted that, on 21 November 2019, a pupil in year 5 had informed him that she did not

have her PE kit because she had forgotten it at 'Mavericks'. When asked what Mavericks was, the pupil informed Witness D that it was a football club being run by Mr Watson. Witness D was concerned as Mr Watson had been suspended at this time. Witness D indicated that his understanding was that Mr Watson should not contact pupils of the Trust during his period of suspension. However, there was no evidence to suggest that Witness D had been involved with Mr Watson's suspension or had actual knowledge of the conditions attached to Mr Watson's suspension.

The panel did not consider that it had sufficient evidence before it to determine whether this allegation was proven. Accordingly, the panel did not find allegation 2 proven.

3. Your behaviour as may be found proven at Allegation 1 above was despite management advice given to you in or around;

a. March 2019;

b. June 2019; and

c. 8 October 2019.

The panel considered the witness statement and oral evidence of Witness B, who submitted that, in March 2019, he met with Mr Watson as a result of concerns that had been raised by more than one member of staff. Staff members were concerned that Mr Watson was allowing pupils in his personal space and invading theirs and there was a further concern female pupils felt comfortable entering Mr Watson's personal space and touching him, despite this being inappropriate.

Witness B's evidence was that, in March 2019, he explained to Mr Watson that he was putting himself at risk by behaving in such a way and allowing pupils to behave in this way around him. Witness B submitted that Mr Watson went bright red, very quiet, appeared shocked and seemed upset by what had been said. It was Witness B's opinion that Mr Watson appeared to accept what had been said to him, and did not appear to dispute the concerns Witness B had raised with him.

The panel noted that this meeting was shortly after Mr Watson commenced employment with the Trust in February 2019.

In around June 2019, Witness B witnessed a female pupil putting hair bobbles in Mr Watson's hair (as described in allegation 1(c) above). Witness B reported this to Individual 1 who advised Witness B to talk to Mr Watson during his upcoming performance management review. During the meeting, Witness B referenced their previous meeting in March 2019 and reiterated what had been said. Witness B stated that he tried to explain the potential damage to Mr Watson's own reputation as a result of his conduct. Mr Watson again appeared to take the advice on board and he did not question or argue with what had been said.

The panel noted that this meeting took place only three months after Witness B's first meeting with Mr Watson in March 2019.

The panel was provided with minutes of a meeting with a member of staff, Individual 2, taken as part of the disciplinary investigation. The notes indicated that Individual 2 and another member of staff, Individual 3, met with Mr Watson on 8 October 2019 to discuss the incident described at 1(d) above and other matters. Individual 2 stated that Mr Watson became upset, referred to people making up stories about him and left the meeting. He later spoke to Individual 2 alone and asked for strategies to keep himself safe. Individual 2 discussed strategies with Mr Watson and Mr Watson informed her that he was "well trained" in safeguarding. The panel did not hear oral evidence from Individual 2 or from any other witness in respect of these discussions. However, the panel considered it more likely than not that these discussions had taken place.

The panel noted that this meeting took place only four months after Witness B meeting with Mr Watson in June 2019 and that, in a 7-month period, there had been three meetings with Mr Watson relating to his conduct around pupils. The panel found this concerning.

On examination of Witness B's evidence and the documents before it, the panel was satisfied that, on the balance of probabilities, Mr Watson had received management advice in March 2019, June 2019, and October 2019 and, despite this, his conduct as described at allegation 1 had persisted.

The panel found allegations 3(a), 3(b) and 3 (c) proven.

In summary, the panel found allegations 1(a), 1(b), 1(c), 1(d)(i)-(ii), 3(a), 3(b) and 3(c) proven.

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

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

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

The panel was satisfied that Mr Watson's conduct, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Watson 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 considered whether Mr Watson's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that none of these offences were relevant.

However, the panel was satisfied that Mr Watson's conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. In particular, the panel was of the view that Mr Watson had demonstrated a concerning pattern of behaviour from the outset of his employment with the Trust and, despite advice, guidance, and training from the Trust, that pattern of behaviour persisted and, to some extent appeared to escalate. The panel also considered that Mr Watson showed a blatant disregard for the processes, procedures and guidelines in place within the Trust.

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

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

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel did not consider that the public would expect a teacher to continue a concerning pattern of behaviour, involving over familiar conduct with female pupils, after being specifically warned on more than one occasion to cease such behaviour.

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

Having found the facts of allegations 1(a), 1(b), 1(c), 1(d)(i)-(ii), 3(a), 3(b) and 3(c) proved, the panel further found that Mr Watson's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel were aware that 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 safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Watson, which involved a consistent and repeated failure to maintain appropriate professional boundaries, there was a strong public interest consideration in respect of the protection of pupils.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Watson 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 Watson.

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

Watson. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;

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.

There was no evidence that Mr Watson's actions were not deliberate. There was no evidence to suggest that Mr Watson was acting under extreme duress.

No evidence was submitted to show that Mr Watson had demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

No mitigation evidence was submitted on behalf of Mr Watson, nor was any evidence submitted to show that he had shown insight into his actions.

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 Watson 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 Watson. The continuation and escalation of Mr Watson's conduct despite regular management advice 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 Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period, and that there are behaviours that, if proved, would have greater relevance and weight in favour of a longer review period. The panel found that Mr Watson was not responsible for any such behaviours.

Notwithstanding this, the panel was very concerned by Mr Watson's conduct, which it noted only involved female pupils. The panel considered that this was a situation where, taking each of the proven allegations in isolation, a review period might be warranted. However, the totality of the proven allegations in respect of Mr Watson's conduct was a matter of serious concern for the panel. Mr Watson's conduct was repeated and consistent. It persisted and escalated almost from the outset of his employment over a period of at least 7 months, with various unacceptable incidents occurring during that timeframe. It persisted despite clear management guidance during that period of time that such conduct was not acceptable. The panel was of the view that Mr Watson demonstrated an inability to take on board advice or modify his behaviour in line with the standards expected of a teacher. Mr Watson's inability to change or learn from his behaviour caused the panel significant unease. The panel considered that Mr Watson's conduct was incompatible with being a teacher and, if he were given the opportunity to return to the teaching profession, there was a risk of repetition.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring

the profession into disrepute. In this case, the panel did not find allegation 2 proven, I have therefore put those matters entirely from my mind.

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

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

The findings of misconduct are particularly serious as they involved a consistent and repeated failure to maintain appropriate professional boundaries with pupils.

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 Watson, 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 and/or safeguard pupils. The panel has observed, "In light of the panel's findings against Mr Watson, which involved a consistent and repeated failure to maintain appropriate professional boundaries, there was a strong public interest consideration in in

respect of the protection of pupils.” 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, “No mitigation evidence was submitted on behalf of Mr Watson, nor was any evidence submitted to show that he had shown insight into his actions.” In my judgement, the lack of insight and remorse means that there is some 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 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 Watson was outside that which could reasonably be tolerated.” I am particularly mindful of the finding of failure to maintain appropriate professional boundaries with pupils in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mr Watson himself and the panel comment “No evidence was submitted to show that Mr Watson had demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the following comments from the panel, “Mr Watson’s conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. In particular, the panel was of the view that Mr Watson had demonstrated a concerning pattern of behaviour from the outset of his employment with the Trust and, despite advice, guidance, and training from the Trust, that pattern of behaviour persisted and, to some extent appeared

to escalate. The panel also considered that Mr Watson showed a blatant disregard for the processes, procedures, and guidelines in place within the Trust.”

In addition, I have placed considerable weight on the following “The panel decided that the public interest considerations outweighed the interests of Mr Watson. The continuation and escalation of Mr Watson’s conduct despite regular management advice was a significant factor in forming that opinion.”

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

Mr Watson has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have carefully considered the panel’s comments “the totality of the proven allegations in respect of Mr Watson’s conduct was a matter of serious concern for the panel. Mr Watson’s conduct was repeated and consistent. It persisted and escalated almost from the outset of his employment over a period of at least 7 months, with various unacceptable incidents occurring during that timeframe. It persisted despite clear management guidance during that period of time that such conduct was not acceptable. The panel was of the view that Mr Watson demonstrated an inability to take on board advice or modify his behaviour in line with the standards expected of a teacher. Mr Watson’s inability to change or learn from his behaviour caused the panel significant unease. The panel considered that Mr Watson’s conduct was incompatible with being a teacher and, if he were given the opportunity to return to the teaching profession, there was a risk of repetition.”

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 seriousness of the findings, which were persistent and escalated over time and the lack of either insight or remorse.

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

This means that Mr Andrew Watson 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 Watson 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 Andrew Watson has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 26 May 2022

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