



Teaching
Regulation
Agency

Mr Gary Savage: Professional conduct panel outcome

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

February 2022

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

Teacher:	Mr Gary Savage
Teacher ref number:	8401517
Teacher date of birth:	14 April 1959
TRA reference:	17758
Date of determination:	4 February 2022
Former employer:	Moulsford Preparatory School, Oxfordshire; Solefield School, Kent; Christ Church Cathedral School, Oxfordshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) initially convened on 16 to 20 March 2020 by way of an in person hearing to consider the case of Mr Gary Savage but was adjourned due to covid-19 and government restrictions. The hearing reconvened on 1 to 2 February 2022 by way of a virtual hearing.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Mr Neil Hillman (teacher panellist) and Ms Penny Griffith (lay panellist).

The legal adviser to the panel was Mr Sam Haldane of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson LLP solicitors.

Mr Savage 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 2 December 2021.

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

...whilst a teacher at Moulsoford Preparatory School he:

1. Permitted and/or encouraged wrestling activities between pupils:
 - a) on one or more occasions between the 1st January 1996 and the 26th March 1997;
 - b) on one or more occasions between the 1st January 1999 and the 12th November 1999 having been warned about his conduct on the 26th March 1997;
 - c) on one or more occasions between the 1st January 2000 and the 10th May 2000; and
 - d) on the 12th of May 2000.
2. Took part in wrestling activities with boys:
 - a) on one or more occasions between the 1st January 1996 and the 26th March 1997
 - b) on one or more occasions between the 1st January 1999 and the 12th November 1999 having been warned about his conduct on the 26th March 1997, on one or more occasions between 1st January 2000 and the 10th May 2000.
3. Filmed wrestling activities between pupils and/or between pupils and himself on one or more occasions between the 1st January 1994 and the 10th May 2000.
4. Permitted and/or encouraged pupils to remove their tops so that the wrestling activity that took place was bare chested on all or any of the occasions described in allegation 1 and/or 2 and/or 3 above.
5. Instructed pupils on one or more occasions when wrestling activities took place as described in allegations 1 and/or 2 above to keep these activities secret and/or not to mention these events to people or use words to that effect.
6. Informed the school on or around 12th November 1999 that he had ceased to permit and/or encourage wrestling activities between pupils between March 1997 and November 1999 when in fact he had not.
7. His conduct as may be found proven at Allegations 5 and/or 6 was dishonest and/or lacked integrity.

8. His conduct as may be found proven at Allegations 1-4 were sexually motivated.

... whilst a teacher at Solefield School, Sevenoaks, Kent between the 1st September 2000 and the 31st December 2005 he:

9. on more than one occasion, communicated with pupils via text messages despite having been warned by the headteacher against doing so.

10. On or before 31st January 2003 entertained ex pupils in his flat.

... whilst a House Master at Christ Church Cathedral Choir School, the School, he:

11. Took Pupil A swimming on his own and/or drove him there in his car on his own on or around the 7th April 2012.

12. Took Pupil B to his House Master's flat on 11th June 2012 in contravention to a specific instruction given to him in an email dated the 30th May 2012 that pupils should not be allowed into the House Master's flat at any time.

13. When a member of staff came to the House Master's flat looking for Pupil B on the 11th June 2012 he told the member of staff that Pupil B was not with him when in fact Pupil B was present in the House Master's flat.

14. During 2012 he arranged private rehearsals for Pupil B outside of the school premises and without the knowledge of the headteacher or other staff in a private room at Champion Hall [sic] within the University of Oxford.

15. Acted in contravention of the following by reason of his actions set out in all or any of the allegations 9 to 12 above:

- a) the school's appropriate physical contact and intimate care policy;
- b) the safeguarding training that he had received at the school.

16. By his conduct set out in paragraph 11 he:

- a) was dishonest: and/or
- b) failed to act with integrity.

17. Demonstrated by his actions set out in all or any of the allegations above a failure to observe an appropriate professional boundary with pupils.

Mr Savage, in his email to the TRA dated 27 January 2022, admitted allegations 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16 and 17. Mr Savage denied allegations 4, 5, 6, 7 and 8.

In relation to the admitted allegations, Mr Savage further admitted that allegations 1, 2, 3, 9, 11, 13, 15, 16 and 17 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

However, Mr Savage denied that allegations 10, 12 and 14 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, despite the fact that he admitted them.

Preliminary applications

The PCPH was originally listed and took place on 16 to 20 March 2020. However, due to covid-19 and the government restrictions that were in place, the hearing was adjourned.

At the original PCPH, a number of preliminary applications were made by the presenting officer acting on behalf of the TRA. In addition, prior to the original PCPH, Mr Savage made an application for the hearing to be held in private.

Applications at the first PCPH

Application to proceed in the absence of the teacher

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

The panel was satisfied that the Notice of Proceedings had been sent to Mr Savage in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 (the "Procedures").

The panel concluded that Mr Savage's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Savage 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 Savage 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.

The panel decided it was appropriate to proceed in the absence of Mr Savage.

Application to amend allegations

The presenting officer made an application to amend allegations concerning Mr Savage's alleged conduct whilst employed at Christ Church Cathedral School ('CCCS'). The

allegations referred to Mr Savage as a teacher, when in fact it was accepted that he was a housemaster.

The panel considered that the proposed amendments would not change the nature and scope of the allegations. As such, the panel considered that the proposed amendments did not amount to a material change to the allegations.

Accordingly, the panel did grant this application and considered the amended allegations.

Application for the hearing to be heard in private

The panel considered an email from Mr Savage that stated the hearing should be heard in private. Whilst the reasons behind this were not made clear, Mr Savage submitted that he and his wife would appreciate the slight lessening of trauma.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer objected to the application.

The panel rejected the application but noted that if there were anything regarding Mr Savage's personal life or health, they would consider hearing parts of the hearing in private if necessary.

Application that the TRA did not have jurisdiction

Mr Savage believed the TRA did not have jurisdiction to deal with the allegations regarding his alleged conduct at CCCS, as he was a housemaster and not a teacher.

The presenting officer submitted that, whilst they accepted Mr Savage was a housemaster (as outlined in the application above to amend the allegations), his role amounted to teaching work.

The panel heard oral evidence from Individual G who discussed Mr Savage's role. The panel decided that the TRA did have jurisdiction.

Application to admit disputed documents

The presenting officer made an application to admit additional disputed documents.

The presenting officer's documents were documents concerning Mr Savage's alleged conduct at CCS.

The panel heard representations from the presenting officer in respect of the application.

The panel considered the disputed documents were relevant, as they had decided the TRA had jurisdiction to deal with Mr Savage's alleged conduct whilst at CCCS. Accordingly, the documents were added to the bundle.

Applications at the rescheduled PCPH

Application to proceed in the absence of the teacher

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

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to 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 Savage in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 (the "Procedures").

The panel concluded that Mr Savage's absence was voluntary and was confirmed by way of email by Mr Savage. He was aware that the matter would proceed in his absence.

The panel noted that Mr Savage 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 Savage 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 Savage was neither present nor represented.

Application to admit additional documents

The panel considered a preliminary application from the presenting officer for the admission of additional documents.

The presenting officer's documents were Email 1, Email 2 and Email 3.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the Procedures.

The panel heard representations from the presenting officer in respect of the application.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

Application to amend allegations

The presenting officer made an application to amend the allegation listed in the notice of hearing, which was referred to as 'previously allegation 7' to discontinue this allegation.

The panel noted that Mr Savage had been informed of the proposed changes to the allegations and had understood that this allegation had been discontinued.

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 amendments would not change the nature and scope of the allegations. As such, the panel considered that the proposed amendments did not amount to a material change to the allegations.

Accordingly, the panel did grant this application and considered the amended allegations, which are set out above.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Chronology, identification key and list of roles – pages 1 to 3
- Section 2: Notice of hearing and response – pages 6 to 21
- Section 3: Teaching Regulation Agency witness statements – pages 22 to 47
- Section 4: Teaching Regulation Agency documents – pages 53 to 155
- Section 5: Teacher witness statements – none provided

- Section 6: Teacher documents – pages 160 to 200

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

- Disputed evidence bundle 1 – pages 224 to 226
- Disputed evidence bundle 2 – pages 237 to 367
- Disputed evidence bundle 3 – pages 368 to 378
- Disputed evidence bundle 4 – pages 379 to 391
- Disputed evidence bundle 5 – pages 392 to 471
- Disputed evidence bundle 6– pages 472 to 475
- Transcript of hearing – part 1 to part 11 – provided separately
- Email from Mr Savage to the TRA confirming non-attendance dated 24 January 2022 – provided separately
- Email from Mr Savage to the TRA responding to allegations dated 28 March 2021 – provided separately
- Email from Mr Savage to the TRA responding to allegations dated 27 January 2022 – provided separately

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

Witnesses

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

- Individual H [REDACTED]
- Individual G [REDACTED]

No witnesses gave oral evidence on behalf of the teacher.

Mr Savage was not present and therefore did not give oral evidence at the hearing.

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 Savage was employed as a teacher at Moultsford Preparatory School ('MPS') from September 1989.

On 26 March 1997, Mr Savage was given a warning about wrestling with boys and undertook to the headmaster that such behaviour would not reoccur. It was alleged that Mr Savage had taken part and had filmed the wrestling.

Mr Savage was spoken to by the headmaster about concerns that wrestling had taken place again, on 12 November 1999. Mr Savage initially denied that this had taken place.

More allegations of wrestling in front of, and with, Mr Savage surfaced on 9 May 2000. On 12 May 2000, Individual D observed 3 or 4 boys wrestling at the front of the classroom, in front of Mr Savage.

A disciplinary hearing into the allegations of inappropriate wrestling took place on 13 May 2000 and Mr Savage admitted that wrestling was going on, but he had not been personally involved. Mr Savage was suspended from duty at MPS on 13 May 2000.

On 17 May 2000, a governors' meeting took place to discuss the disciplinary process. Mr Savage later resigned, on 2 July 2000, and his employment at MPS terminated on 3 July 2000. On 3 August 2000, Mr Savage entered into a severance agreement with MPS.

Mr Savage commenced employment at Solefield School ('SS') during September 2000, and left SS in December 2005.

Mr Savage commenced employment at Christ Church Cathedral School ('CCCS') in September 2008. From around September 2009, Mr Savage was employed as a housemaster only.

On 7 April 2012, Mr Savage allegedly took a pupil swimming on his own, and was driving him there in his own car.

On 20 May 2012, the headmaster emailed Mr Savage reminding him of the staff handbook and that individual boys should not be in the housemaster's flat at any time and cathedral choristers should not be spending time in Mr Savage's car.

On 11 June 2012, a member of staff was looking for a pupil and knocked on Mr Savage's flat door. Mr Savage denied the pupil was in his flat, however, the pupil was later seen leaving Mr Savage's flat.

On 27 June 2012, an investigation took place into the incident involving Mr Savage. Mr Savage was interviewed.

On the 2 July 2012, a meeting took place between the parent, headmaster and another, concerning another pupil who had been taken swimming by Mr Savage on 7 April 2012.

Mr Savage's employment at CCCS terminated by a compromise agreement in July 2012.

On 29 January 2018, an ex-pupil of MPS provided details of Mr Savage's inappropriate behaviour in the 1990's. As a result, a referral was made to LADO and various bodies were contacted.

On 4 December 2018, MPS referred the allegations of misconduct to the TRA.

Findings of fact

The findings of fact are as follows:

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

1. Permitted and/or encouraged wrestling activities between pupils:

- a) on one or more occasions between the 1st January 1996 and the 26th March 1997;**
- b) on one or more occasions between the 1st January 1999 and the 12th November 1999 having been warned about your conduct on the 26th March 1997;**
- c) on one or more occasions between the 1st January 2000 and the 10th May 2000; and**
- d) on the 12th of May 2000.**

2. Took part in wrestling activities with boys:

- a) on one or more occasions between the 1st January 1996 and the 26th March 1997**
- b) on one or more occasions between the 1st January 1999 and the 12th November 1999 having been warned about your conduct on the 26th March 1997, on one or more occasions between 1st January 2000 and the 10th May 2000.**

The panel noted Mr Savage's response to the TRA, dated 10 June 2019, which stated that the allegations regarding MPS are admitted, "*save for [REDACTED] statement about taking shirts off is mistaken*".

Mr Savage stated that the incidents stemmed from his involvement with the school's judo sessions. Many pupils at MPS took up judo and the boys who wrestled in Mr Savage's form class were the same boys. Mr Savage believed that he "*foolishly over-indulged them in what they enjoyed*."

The panel noted the witness statement of Pupil E [REDACTED]. Pupil E submitted that Mr Savage allowed pupils to wrestle each other in the classroom and that occasionally he would wrestle with Mr Savage.

The panel noted the witness statement of Pupil F [REDACTED]. Pupil F submitted that whilst he was in Mr Savage's form class during the academic year of 1999/2000, Mr Savage allowed pupils to "*play fight*".

Pupil F recalled that Mr Savage got involved, and began play fighting with Pupil F himself. Pupil F was 11 years old at the time of the incident. The play fighting was relaxed, and Mr Savage did not hurt the pupils. Pupil F stated the incidents were play fighting and not judo.

The panel noted the witness statement of Individual D [REDACTED]. Individual D wrote a letter to Individual A [REDACTED] concerning Mr Savage as he was worried after hearing a discussion with some of the Year 8 boarders. They stated that they had seen Mr Savage leaving school looking sad, and had assumed he had been sacked because of his hobby of wrestling with the boys and watching other boys wrestling.

Individual D held a meeting with the pupils regarding his concerns and asked a number of questions regarding the alleged incidents. Pupils confirmed that they had wrestled with, or witnessed other boys wrestling with Mr Savage. In addition, Individual D received a number of further complaints regarding Mr Savage.

On 12 May 2000, Individual D witnessed 3 to 4 boys wrestling at the front of the class in front of Mr Savage. Mr Savage was sitting watching the boys wrestle.

The panel noted the witness statement of Individual A. Individual A submitted that on 26 March 1997 he spoke to Mr Savage about wrestling with the boys and Mr Savage was informed that this was unacceptable and warned of his future conduct. Individual A believed the incidents to be harmless but explained that under no circumstances must Mr Savage allow the situation to occur again. Mr Savage admitted the incidents had taken place.

The panel noted the witness statement of Individual C [REDACTED]. Individual C submitted that Mr Savage was not involved with demonstrating judo and that the wrestling activities taking place in Mr Savage's classroom were nothing to do with judo provision at the school. Furthermore, Individual C submitted that in his view, it was irresponsible and dangerous.

The panel found allegations 1(a), 1(b), 1(c), 1(d), 2(a) and 2(b) proved.

3. Filmed wrestling activities between pupils and/or between pupils and yourself on one or more occasions between the 1st January 1994 and the 10th May 2000.

The panel noted the witness statement of Pupil E who submitted that on one occasion, Mr Savage told pupils that he was going to film pupils wrestling with him and with each other, on the games field. Pupil E told his parents, who were not very happy about this; Pupil E's mother then informed the school.

The panel noted the witness statement of Pupil F, who could not recall if any such incidents were filmed. However, on the balance of probabilities, the panel accepted Pupil E's account which was supported by contemporaneous evidence.

The panel found allegation 3 proved.

4. Permitted and/or encouraged pupils to remove their tops so that the wrestling activity that took place was bare chested on all or any of the occasions described in allegation 1 and/or 2 and/or 3 above.

The panel noted the witness statement of Pupil E who recalled Mr Savage being clothed, but could not remember what he or other pupils would wear whilst wrestling, although he thought it would have been in school uniform. Pupil E stated that he was still in touch with some of his school friends and had heard one of them mention that the wrestling would be topless, however, he did not remember this.

The panel noted the witness statement of Pupil F who submitted that Mr Savage told pupils that they could take off their shirts and ties and pupils would do bare top wrestling. Pupil F estimated that the bare top wrestling happened about half of the time, but not every time.

The panel noted the witness statement of Individual D, who could not recall what the boys were wearing, but did not believe they were topless. However on the balance of probabilities the panel accepted that topless wrestling took place on occasions.

The panel found allegation 4 proved.

5. Instructed pupils on one or more occasions when wrestling activities took place as described in allegations 1 and/or 2 above to keep these activities secret and/or not to mention these events to people or use words to that effect.

The panel noted the witness statement of Pupil F, who did not remember being asked about the wrestling by a teacher prior to Mr Savage leaving MPS. However, he stated that if the boys heard other pupils talking about the wrestling, they would say "shush" to

try and stop them talking about it. The panel also took account of Pupil F's statement at paragraph 16 where Mr Savage is alleged to have said it was 'our little secret.'

The panel found allegation 5 proved.

6. Informed the school on or around 12th November 1999 that you had ceased to permit and/or encourage wrestling activities between pupils between March 1997 and November 1999 when in fact you had not.

The panel found allegation 6 proved, given that the previous allegations had been proven.

7. Your conduct as may be found proven at Allegations 5 and/or 6 was dishonest and/or lacked integrity.

The panel firstly considered whether Mr Savage had failed to act with integrity in relation allegation 5. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Mr Savage had failed to act within the higher standards expected of a teacher by asking pupils to keep secrets and/or not mention these events to people and by informing the school that he had ceased to permit and/or encourage wrestling activities.

The panel then considered whether Mr Savage had acted dishonestly in relation to the proven facts of allegation 6. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel found allegation 7 proved.

8. Your conduct as may be found proven at Allegations 1-4 were sexually motivated.

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

The panel gave a great deal of consideration to whether the conduct was of a sexual nature. The panel considered whether the conduct was sexual in its nature, or because of its nature, might have become sexual.

The panel went on to consider whether Mr Savage's conduct was sexually motivated and found that there could be no reasonable explanation for filming the wrestling other than that of sexual motivation. The panel considered the filming to be voyeuristic.

The panel found allegation 8 proved.

... whilst a teacher at Solefield School, Sevenoaks, Kent between the 1st September 2000 and the 31st December 2005 you

9. on more than one occasion, communicated with pupils via text messages despite having been warned by the headteacher against doing so.

The panel found allegation 9 proved given that Mr Savage had accepted sending the messages.

10. On or before 31st January 2003 entertained ex pupils in your flat.

The panel noted the witness statement of Individual F [REDACTED]. Individual F provided documents to the TRA concerning Mr Savage. The documents were handwritten notes which appear to have been written by Individual E [REDACTED]. Individual F had no knowledge of the alleged incidents himself.

The panel found allegation 10 proved.

... whilst a House Master at Christ Church Cathedral Choir School, the School, you

11. Took pupil A swimming on his own and/or drove him there in your car on his own on or around the 7th April 2012.

The panel found allegation 11 proved given that this was accepted by Mr Savage.

12. Took pupil B to your House Master's flat on 11th June 2012 in contravention to a specific instruction given to you in an email dated the 30th May 2012 that pupils should not be allowed into the House Master's flat at any time.

The panel found allegation 12 proved given that Mr Savage accepted he had had a pupil in his flat. The panel considered this to be unacceptable professional conduct.

13. When a member of staff came to the House Master's flat looking for pupil B on the 11th June 2012 you told the member of staff that pupil B was not with you when in fact pupil B was present in the House Master's flat.

The panel found allegation 13 proved. The panel noted Mr Savage admitted this allegation but also took account of the evidence provided by Individual H.

14. During 2012 you arranged private rehearsals for pupil B outside of the school premises and without the knowledge of the headteacher or other staff in a private room at Champion Hall [sic] within the University of Oxford.

The panel noted the witness statement of Individual G [REDACTED]. Individual G submitted that Mr Savage was employed in the post of housemaster. On or around 10 September 2012, CCCS received information from the Master of Campion Hall, a private

hall of the University of Oxford, that Mr Savage had requested the loan of a key for a room for rehearsals with a named pupil. Individual G had not been aware that Mr Savage was having private meetings with this pupil. Although Mr Savage did not accept this was unacceptable professional conduct, because he stated the parents had requested this, the panel did not accept this. The panel accepted the evidence of Individual G that this breached the code of conduct and considered this unacceptable professional conduct.

The panel found allegation 14 proved.

15. Acted in contravention of the following by reason of your actions set out in all or any of the allegations 9 to 12 above:

- a) the school's appropriate physical contact and intimate care policy;**
- b) the safeguarding training that you had received at the school.**

The panel found allegation 15(a) and 15(b) proved.

16. By your conduct set out in paragraph 11 you:

- a) were dishonest: and/or**
- b) failed to act with integrity.**

The panel firstly considered whether Mr Savage had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel then considered whether Mr Savage had acted dishonestly in relation to the proven facts of allegation 11. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel considered that the failure to update and explain to parents that only one pupil was going on the swimming trip with Mr Savage was dishonest. The trip was undertaken without the head teacher's consent and knowledge which therefore lacked integrity.

The panel found allegation 16(a) and 16(b) proved.

17. Demonstrated by your actions set out in all or any of the allegations above a failure to observe an appropriate professional boundary with pupils.

The panel found allegation 17 proved.

The panel found that wrestling and inviting a pupil to living quarters was behaviour that clearly was not appropriate and goes well beyond what should be expected of a teacher. The panel found that there is greater burden upon teachers within a residential setting as they would often see pupils outside of school hours. Mr Savage's actions were a clear breach of professional boundaries and safeguarding.

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

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

The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel noted that the allegations 9,10, 11, 12, 13 and 14 took place outside the education setting. The panel noted this but considered that the nature of Mr Savage’s misconduct related to his profession as a teacher and as someone responsible for the education of children. The panel considered that teachers and anyone responsible for the education of children have a responsibility to maintain professional boundaries.

Accordingly, the panel was satisfied that Mr Savage 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 therefore found that Mr Savage'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), 2(a), 2(b), 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15(a), 15(b), 16(a), 16(b) and 17 proved, the panel further found that Mr Savage'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 protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Savage, which involved permitting, encouraging and taking part in wrestling activities with pupils and being dishonest and

lacking integrity, 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 Savage 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 Savage 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 Savage.

In carrying out the balancing exercise, the panel had regard to the public interest considerations as well as the interests of Mr Savage. 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 vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;.

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 Savage's actions were not deliberate.

There was no evidence to suggest that Mr Savage was acting under duress

The panel saw evidence that showed Mr Savage was previously subject to disciplinary proceedings/warnings.

Mr Savage, in his response to the TRA dated 10 June 2019, stated that he should not have done what he did and he regrets his actions. The panel felt he lacked insight into the impact of 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 Savage 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 Savage. The lack of insight and remorse of Mr Savage 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. These behaviours include serious dishonesty and serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel found that Mr Savage was responsible for permitting, encouraging and taking part in wrestling activities with pupils which was sexually motivated and being dishonest and/or lacking integrity.

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 provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Savage 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 was also. "satisfied that the conduct of Mr Savage amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The findings of misconduct are particularly serious as they include a finding of misconduct that was sexually motivated and dishonesty.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider

whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Savage, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings against Mr Savage, which involved permitting, encouraging and taking part in wrestling activities with pupils and being dishonest and lacking integrity, there was a strong public interest consideration 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, "Mr Savage, in his response to the TRA dated 10 June 2019, stated that he should not have done what he did and he regrets his actions. The panel felt he lacked insight into the impact of his actions."

In my judgement, the lack of full and complete insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being 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 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."

I am particularly mindful of the finding of sexually motivated conduct and dishonesty 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 Savage himself. The panel comment, "The panel saw evidence that showed Mr Savage was previously subject to disciplinary proceedings/warnings."

A prohibition order would prevent Mr Savage 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 lack of insight or remorse. The panel has said, "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 Savage. The lack of insight and remorse of Mr Savage was a significant factor in forming that opinion."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Savage 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 considered the panel's comments "Mr Savage was responsible for permitting, encouraging and taking part in wrestling activities with pupils which was sexually motivated and being dishonest and/or lacking integrity."

I have considered whether allowing for a no review 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 is necessary are the lack of insight and remorse, the dishonesty and the sexually motivated conduct.

I consider therefore that allowing for no review period is necessary to maintain public

This means that Mr Gary Savage 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 Gary Savage 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 Gary Savage 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 blue ink, appearing to be 'AL C M' followed by a checkmark-like flourish.

Decision maker: Alan Meyrick

Date: 4 February 2022

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