



Teaching  
Regulation  
Agency

# **Mr Oliver Paton: Professional conduct panel meeting outcome**

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

**January 2020**

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

<b>Teacher:</b>	Mr Oliver Paton
<b>Teacher ref number:</b>	3447898
<b>Teacher date of birth:</b>	7 November 1987
<b>TRA reference:</b>	17692
<b>Date of determination:</b>	15 January 2020
<b>Former employer:</b>	John Masefield High School and Sixth Form Centre, Herefordshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 to 15 January 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Oliver Paton.

The panel members were Mrs Kathy Thomson (former teacher panellist – in the chair), Mr John Matharu (lay panellist) and Cllr Gail Goodman (teacher panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Paton that the allegations be considered without a meeting. Mr Paton provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Paton or his representative.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

## **Allegations**

The panel considered the allegations set out in the Notice of Meeting dated 10 January 2020.

It was alleged that Mr Oliver Paton was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a Teacher at John Masefield High School and Sixth Form ('the School') from 1 September 2015 to 2 October 2018:

1. In the academic year 2016/2017 and/or 2017/18, he failed to maintain appropriate professional boundaries with one or more individuals shortly after they had left the School, including by:

- a. 'Following' and/or 'friending' them on one or more social media platforms;
- b. Sending them photographs/ images of a sexual nature;
- c. Sending them messages of a sexual nature.

2. He acted as may be found proven at 1 despite professional guidance and/or a warning which was provided to him by the School on or around 10 May 2016.

3. His conduct as may be found proven at 1 above was sexually motivated.

Mr Paton admitted the facts alleged in allegations 1a, 1b, 1c, 2 and 3 in his Statement of Agreed Facts dated 8 January 2020.

Mr Paton also admitted unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Preliminary Applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology – page 2

Section 2: Notice of Referral, Response and Notice of Meeting – pages 4 to 11

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 13 to 19

Section 4: Teaching Regulation Agency documents – pages 21 to 205

Section 5: Teacher documents – pages 207 to 221

The panel members confirmed that they had read all of the documents in advance of the meeting.

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Paton on 8 January 2020.

### **Decision and reasons**

The panel carefully considered the case and reached a decision.

The panel confirmed that it had read all of the documents provided in the bundle in advance of the meeting.

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

Mr Oliver Paton was employed as a Teacher at John Masefield High School and Sixth Form ("the School") from 1 September 2015 to 2 October 2018.

On or around 23 March 2016, the School became aware of a concern regarding Mr Paton and his social media use in respect of former pupils. Another member of staff reported that the mother of a pupil had told him that Mr Paton had contacted her 17 year old daughter over social media after she had left the School and had used language which she judged to be inappropriate.

The School conducted an investigation and Mr Paton attended a disciplinary meeting, which resulted in his being issued with a professional guidance and/or warning letter dated 10 May 2016.

On or around 26 June 2018, a member of staff reported that former pupils were alleging that Mr Paton had sent indecent images of himself, via social media, to a former pupil, Individual A. On or around 3 July 2018, another member of staff reported that she had overheard pupils discussing the breakdown of Mr Paton's engagement, with one pupil saying that, *'his fiancée found out that he had sent inappropriate pictures to [Individual B],*

*a former sixth form pupil*'. Another former pupil, Individual C, was identified as a possible recipient of these messages, who in turn identified two further, former pupils (Individuals D and E) who she alleged had been sent inappropriate messages by Mr Paton.

On 13 July 2018, Mr Paton was placed on gardening leave while these matters were being investigated. On 2 October 2018, Mr Paton resigned.

## **Findings of facts**

The findings of fact were as follows:

**It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a Teacher at John Masefield High School and Sixth Form ('the School') from 1 September 2015 to 2 October 2018:**

**1. In the academic year 2016/2017 and/or 2017/18, you failed to maintain appropriate professional boundaries with one or more individuals shortly after they had left the School, including by:**

- a. 'Following' and/or 'friending' them on one or more social media platforms;**
- b. Sending them photographs/ images of a sexual nature;**
- c. Sending them messages of a sexual nature.**

In relation to 1a, Mr Paton admitted in a Statement of Agreed Facts that, in the academic year 2016/2017 and/or 2017/2018, he 'followed' and/or 'friended' one or more individuals shortly after they left the School via one or more social media platforms, including Facebook and Instagram.

In relation to 1b and 1c, Mr Paton admitted in the Statement of Agreed Facts that he sent the following photographs/ images and/or messages to one or more individuals shortly after they left the School:

- (i) an image of a penis captioned with, *'Is this what you want? Love to see you video it all x'*;
- (ii) an image of a penis partially obscured by an emoji, captioned with, *'I want to see your bottom half spread with your top half [emoji] x'*;
- (iii) a dark background captioned with, *'I'm like drunk and hard asf [emoji] x'*;
- (iv) a dark background captioned with, *'Drunk and horny ha ha x'*;

(v) a dark background captioned with, *'Fair one...think I need to put porn on [emoji] [emoji] x.*

The panel was also presented with screenshots of the photographs/images and messages concerned. Mr Paton admitted that they were of a sexual nature. In acting in this way, Mr Paton admitted that he failed to maintain appropriate professional boundaries with one or more individuals after they had left the School.

The panel found allegations 1a, 1b and 1c proved.

## **2. You acted as may be found proven at 1 despite professional guidance and/or a warning which was provided to you by the School on or around 10 May 2016.**

The panel noted that the professional guidance and/or warning letter from the headteacher to Mr Paton dated 10 May 2016 contained the following provision:

*'This warning will be placed on your file but will be disregarded for disciplinary purposes after a period of 12 months provided your conduct improves, that there are no further breaches of [School] policy and guidelines and that you undertake refresher training on safeguarding and professional conduct...in addition I would advise you not to use language such as "MILF" in messages sent out on social media as this may be viewed as bringing the profession into disrepute'.*

Mr Paton admitted that he engaged in conduct as described in allegations 1a, b and c, despite the professional guidance and/or warning issued to him in the letter dated 10 May 2016.

The panel also noted that, in April 2016, the School introduced an Acceptable ICT Use Agreement which contained the following provision:

*'Given safeguarding concerns, staff are not permitted to be 'friends' with any student on social networking sites...Staff are not permitted to be 'friends' with any student on social networking sites...Staff are not permitted to become 'friends' on social networking sites for a period of five years after a student has left [the School]'.*

The rule regarding not being 'friends' on social media with past pupils up until they had attained the age of 21 years was also specified in the School's Social Networking Policy dated November 2016.

Mr Paton accepted that both the agreement and the policy set clear expectations for appropriate professional boundaries between teachers and former pupils and the timeframe during which teachers should not contact former pupils via social media. Mr Paton admitted that he did not heed this guidance and that he had contact via social media with former pupils, on average between three and six months after they had left the School.

The panel found allegation 2 proved.

### **3. Your conduct as may be found proven at 1 above was sexually motivated.**

The panel noted that sexual motivation has a specific legal definition, namely, that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship. This definition was included in the Statement of Agreed Facts signed by Mr Paton to confirm his understanding.

Mr Paton admitted that his conduct, as described in allegations 1a, 1b and 1c, was sexually motivated on the basis that it was in pursuit of sexual gratification.

The Panel found allegation 3 proved.

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

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

Mr Paton admitted that his actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The Panel took these admissions into account, but made its own determinations.

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

The panel was satisfied that the conduct of Mr Paton in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Paton 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;
  - showing...respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...;



- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The panel was satisfied that the actions of Mr Paton amounted to misconduct of a serious nature, which fell significantly short of the standards of behaviour expected of the profession.

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

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Mr Paton's status as a teacher, potentially damaging the public perception

Having found the facts of allegations 1, 2 and 3 proved, the panel found that Mr Paton'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. 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.

There was a strong public interest consideration in respect of the protection of pupils given the serious findings of failing to maintain appropriate professional boundaries with former pupils who had recently left school.

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

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

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the...well-being of pupils, and particularly where there is a continuing risk;
- 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.

Mr Paton's actions were deliberate. Mr Paton has not been the subject of any previous proceedings before the TRA, although his actions in allegation 1 were in contravention of professional guidance and a warning from the School.

There is no evidence that Mr Paton was acting under duress. However, the panel noted that in his written statement, Mr Paton said:

*'Over the last few years, I have experienced a lot of loss in my life which had a detrimental impact on my [REDACTED] which led me to make extremely regrettable*

*decisions. In 2016, at the time of my first warning over social media misuse, I discovered that [REDACTED] I was not able to handle these tragic losses in an appropriate personal and professional manner, but I believe these mitigating circumstances are able to explain my behaviour but in no way excuse it.'*

[REDACTED]

The panel was presented with a number of positive and supportive character references from close friends and family members.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Paton 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 Paton, given the serious nature of the conduct that was sexually motivated and which took place despite a previous warning from the School. The Panel considered that the graphic nature of the images and the associated comments by Mr Paton were grossly offensive and could have caused significant distress to the young recipients.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons.

The Panel noted that Mr Paton has demonstrated some insight and remorse. However, the Panel was very concerned about the seriousness of the sexually motivated misconduct, which took place despite a previous warning from the School.

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, to recommend a prohibition order 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 sanction and no 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 Paton should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Paton 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;
  - showing...respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...;

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a finding of sexual misconduct and that this continued following a warning by the school.

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 Paton, 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, "There was a strong public interest consideration in respect of the protection of pupils given the serious findings of failing to maintain appropriate professional boundaries with former pupils who had recently left school." The panel went on to say it, "considered that the graphic nature of the images and the associated comments by Mr Paton were grossly offensive and could have caused significant distress to the young recipients."

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, "The Panel noted that Mr Paton has demonstrated some insight and remorse." In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk future pupils' safeguarding. 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, "that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Paton were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual misconduct 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 Paton himself.

The panel note, “Mr Paton has not been the subject of any previous proceedings before the TRA, although his actions in allegation 1 were in contravention of professional guidance and a warning from the School.” The panel were also presented with, “a number of positive and supportive character references from close friends and family members.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the serious nature of the misconduct, “The public interest considerations outweighed the interests of Mr Paton, given the serious nature of the conduct that was sexually motivated and which took place despite a previous warning from the School. The Panel considered that the graphic nature of the images and the associated comments by Mr Paton were grossly offensive and could have caused significant distress to the young recipients.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Paton has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession.

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

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

I have considered the panel’s comments that it, “was very concerned about the seriousness of the sexually motivated misconduct, which took place despite a previous warning from the School.”

I agree with the panel and consider that in light of the sexual misconduct found, the fact this misconduct was repeated despite a warning and the lack of full remorse and insight, I consider that allowing for no review period is reasonably necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Oliver Paton 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 Paton 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 Paton 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 'D. Dandy', with a stylized flourish at the end.

**Decision maker: Dawn Dandy**

**Date: 20 January 2020**

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