



Teaching
Regulation
Agency

Mr Ross McGowan: Professional conduct panel outcome

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

August 2022

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

Teacher:	Mr Ross McGowan
Teacher ref number:	2160634
Teacher date of birth:	15 January 1979
TRA reference:	19470
Date of determination:	23 August 2022
Former employer:	Halcyon London International School, London

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 22 to 23 August 2022 by way of a virtual hearing, to consider the case of Mr Ross McGowan.

The panel members were Ms Melissa West (teacher panellist – in the chair), Mr Clive Ruddle (lay panellist) and Ms Clare Haines (teacher panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts LLP solicitors.

The presenting officer for the TRA was of Ms Kiera Riddy of Browne Jacobson LLP solicitors.

Mr McGowan 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 22 April 2022, as amended following an application from the presenting officer (as set out below).

It was alleged that Mr McGowan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Halcyon London International School ('the School'):

1. During the period February 2019 to summer 2020, he failed to maintain appropriate professional boundaries with one or more pupils and/or exchanged messages on social media with one or more pupils including:
 - a) Late at night, at the weekend or during school holidays;
 - b) Using inappropriate language such as swear words;
 - c) Discussing details of his personal life;
 - d) Using manipulative language such as:
 - i. 'After all the effort I have put in for you that's how you treat me?';
 - ii. 'You were amazing... and for you to say this is soul destroying' and
 - iii. 'You have to be nice cos I grade stuff'
 - e) Telling one pupil that he will miss them;
 - f) Telling pupils they are his favourite and/or the best pupil he has;
 - g) Telling pupils there is nothing wrong with them being 'mates';
 - h) Making reference to wanting to meet up with one or more pupils;
 - i) Making references to former colleagues and/or other pupils.
2. His behaviour as may be found proven at allegation 1 above was dishonest and/or lacked integrity, in that he requested pupils delete the messages from him in an attempt to conceal his conduct.
3. His conduct at allegation 1 above demonstrated a lack of insight into previous advice you had been given and/or warnings issued by the School:
 - a) In or around April 2019;
 - b) In or around September 2019;

- c) In or around February 2020; and
 - d) In or around July 2020
4. Despite previous advice given, and subsequent to his resignation, he continued to exchange messages with one or more pupils during the period September 2020 to January 2021.

Mr McGowan admitted allegations 1(a), 1(b), 1(c) and 4, as set out in the response to the notice of referral. Mr McGowan denied allegations 1(d)(i)-(iii), 1(e), 1(f), 1(g), 1(h), 1(i), 2, 3(a), 3(b), 3(c) and 3(d).

Preliminary applications

Applications to adjourn and to proceed in the absence of the teacher

In various emails to the TRA and the presenting officer, Mr McGowan informed the TRA that he considered that the professional conduct panel hearing, listed to take place on 22 to 23 August 2022, should be postponed for the following reasons:

- he was experiencing health issues;
- due to financial constraints he was unable to attend an in-person hearing or join on-line;
- he had been unable to access the hearing bundle and adequately prepare;

and therefore could not attend or participate in the hearing.

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

The panel accepted the legal advice provided in relation to the applications and took account of Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the 'Procedures'), including paragraphs 5.49 to 5.55 addressing the panel's ability to adjourn the hearing.

The panel took into account 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 McGowan in accordance with the Procedures.

The panel concluded that Mr McGowan's absence was voluntary and that he was aware that the matter could proceed in his absence. The panel noted Mr McGowan wished to engage in a future hearing.

There was no medical evidence before the panel that Mr McGowan was unfit to attend the hearing. Mr McGowan had not provided any indication of when he would be fit to attend a hearing. The panel did not consider that an adjournment would procure his attendance at a hearing in the foreseeable future.

The panel noted Mr McGowan had provided a written statement in response to the allegations, and provided further evidence in advance of the hearing demonstrating he had accessed the hearing bundle.

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 McGowan was neither present nor represented.

Application to admit additional documents

In advance of the hearing on 21 August 2022, Mr McGowan sent to the TRA the following documents for the panel's consideration:

- 4 video recordings of the teacher on a mobile phone making representations to the panel;
- Screen shot of an email from a pupil;
- Supplemental written statement of the teacher.

The panel considered whether to admit the additional documents.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the Procedures.

The panel heard representations from the presenting officer in respect of the application. The presenting officer did not object to the admission of the additional documents.

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

Application to amend the allegations

The presenting officer made an application to amend allegation 1 from “*During the period summer 2019 to summer 2020, you failed to maintain professional boundaries ...*” to “*During the period February 2019 to summer 2020, you failed to maintain professional boundaries ...*”.

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

The panel accepted the legal advice provided in relation to the application and took account of the Procedures. The panel noted the proposed amendment did not change the nature, scope, or seriousness of the allegations. The panel concluded the amendment would not lead to any unfairness or prejudice to Mr McGowan and allowed the amendment and considered the amended allegations as set out above.

Summary of evidence

Documents

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

- Section 1: Preliminary documents – page 2
- Section 2: Notice of proceedings – pages 4 to 40
- Section 3: Teaching Regulation Agency witness statements – pages 42 to 137
- Section 4: Teaching Regulation Agency documents – pages 139 to 506
- Section 5: Teacher documents (at investigation stage) – pages 508 to 527
- Section 6: Teacher documents (at hearing stage) – pages 529 to 543
- Letter from the TRA to Mr McGowan dated 11 August 2022 – provided separately
- Bundle of documents re Mr McGowan’s application to adjourn – provided separately

In addition, the panel agreed to accept the following:

- 4 video recordings of the teacher on a mobile phone making representations to the panel;
- Screen shot of an email from a pupil;
- Supplemental written statement of the teacher.

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. The panel viewed the four videos provided by Mr McGowan.

Witnesses

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

- Individual A

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 McGowan was employed as an English teacher at the School from 8 August 2016.

On 30 June 2020, the School received a formal complaint made by a former pupil. On 1 July 2020, Mr McGowan was suspended from the School.

An investigation interview took place with Mr McGowan on 6 July 2020. The School's investigation report was finalised on 7 July 2020.

Mr McGowan resigned from the School on 6 July 2020.

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. During the period February 2019 to summer 2020, you failed to maintain appropriate professional boundaries with one or more pupils and/or exchanged messages on social media with one or more pupils including:**
 - a) Late at night, at the weekend or during school holidays;**
 - b) Using inappropriate language such as swear words;**
 - c) Discussing details of your personal life;**
 - d) Using manipulative language such as:**
 - i. 'After all the effort I have put in for you that's how you treat me?';**

- ii. **'You were amazing... and for you to say this is soul destroying' and**
 - iii. **'You have to be nice cos I grade stuff'**
- e) **Telling one pupil that you will miss them;**
 - f) **Telling pupils they are your favourite and/or the best pupil you have;**
 - g) **Telling pupils there is nothing wrong with you being 'mates';**
 - h) **Making reference to wanting to meet up with one or more pupils;**
 - i) **Making references to former colleagues and/or other pupils.**
2. **Your behaviour as may be found proven at allegation 1 above was dishonest and/or lacked integrity, in that you requested pupils delete the messages from you in an attempt to conceal your conduct.**
 3. **Your conduct at allegation 1 above demonstrated a lack of insight into previous advice you had been given and/or warnings issued by the School:**
 - a) **In or around April 2019;**
 - b) **In or around September 2019;**
 - c) **In or around February 2020; and**
 - d) **In or around July 2020**
 4. **Despite previous advice given, and subsequent to your resignation, you continued to exchange messages with one or more pupils during the period September 2020 to January 2021.**

The panel noted an undated letter from Mr McGowan to the TRA, accompanying his response to the notice of referral. Mr McGowan submitted that, for almost every email or correspondence with a pupil, he had a reason behind it. Mr McGowan admitted that his behaviour could be seen as unprofessional, however, no messages were exchanged on social media. Mr McGowan explained that the messages were sent to a former pupil who had left the School months earlier. Mr McGowan submitted that he had never been told by the School that he was not allowed to communicate with former pupils. Mr McGowan explained that the pupil had left the School on amazing terms with him, however due to a disagreement on Facebook, the pupil later tried to ruin his life.

Mr McGowan admitted that all of the emails were sent during holidays or at the weekend when he was not behaving like himself. Mr McGowan had no recollection of sending swear words to pupils; his only explanation was that alcohol changed his mood and he

spoke in a different tone than he would usually use. Mr McGowan stated that he deeply regretted this.

Mr McGowan did not have any recollection of sending any personal details, but stated that depending on what he said, this could be deemed as unprofessional. Regarding the use of manipulative language, Mr McGowan stated that he was 100% certain he was not trying to be manipulative in any way and the comments would have been banter. Mr McGowan had no recollection of making comments as referenced at allegations 1(d)(i) and 1(d)(ii). Regarding the message at allegation 1(d)(iii), Mr McGowan submitted that this was *“a silly joke and is taken completely out of context”*.

Further, Mr McGowan also had no recollection of making comments referenced at allegations 1(e), 1(f), 1(g) and 1(i). Regarding allegation 1(h), Mr McGowan stated that this had been utterly taken out of context and would have been a message to the leaving class of 2020 about a reunion 5 or 10 years in the future – something that had been previously discussed in class.

Mr McGowan admitted that after reading some of the nonsensical emails or messages he had sent, he asked a pupil to delete these. Mr McGowan submitted he made the deletion request to cover up his [REDACTED] and [REDACTED] issues, which affected his behaviour. He contended he was worried about the repercussions of his actions.

Mr McGowan submitted that he had not received any warning from the School, although he did receive a ‘management instruction’ in February 2020 about a conversation with a colleague.

The panel considered the witness statement and oral evidence of Individual A who explained that the concerns around Mr McGowan’s behaviour came to light when the School received a formal complaint from a former pupil at the School. This was received on 30 June 2020. Individual A submitted that the complaint included a compilation of several screenshots from both current and former pupils showing Mr McGowan’s behaviour towards them. The content of the messages included inappropriate language and messages late at night.

The director of the School attempted to contact Mr McGowan the same day to inform him of the complaint but as he could not get through to Mr McGowan, he emailed instead. Within the email, Mr McGowan was instructed not to engage with any pupils or former pupils via email or messaging.

On 1 July 2020, Mr McGowan was asked to attend a meeting with the director where he was notified formally of the complaint and informed an investigation would take place. Individual A was present at the meeting. Mr McGowan was suspended and it was restated that he should not contact pupils. Individual A submitted that Mr McGowan was

clearly instructed to maintain confidentiality and not to discuss the matter with anyone, including a specific instruction not to contact any pupils.

Individual A was later appointed as the investigating officer. The first step was informing the IT team to cease Mr McGowan's access and to obtain access to all of his email accounts with the School due to the fact that all the communication was made online. There was a huge volume of emails retrieved from Mr McGowan's accounts.

An investigation meeting was held on 6 July 2020. During the meeting, Individual A discussed with Mr McGowan the fact that pupils had come forward over the weekend and mentioned that he had contacted them, after he was specifically instructed on 1 July 2020 not to contact anyone. Individual A also explained that on 5 July 2020, the School received an email from a pupil stating that Mr McGowan had contacted them late into the night on 4 July 2020 regarding the allegations made against him. In addition, the School identified a conversation Mr McGowan had with another pupil on 4 July 2020.

During the meeting, Individual A also discussed the management instruction Mr McGowan had received on 11 February 2020, which was advice following a complaint made by a female member of staff regarding inappropriate communication and comments made by Mr McGowan.

Individual A submitted that had Mr McGowan not resigned he would have been invited to a formal hearing with the potential outcome of summary dismissal for an act of gross misconduct. She submitted that the evidence collated during her investigation substantiated the allegations against Mr McGowan.

Individual A explained that the volume of messages that were sent meant that she felt there was a clear pattern of messaging late at night or on the weekend. She felt the messages demonstrated a pattern of Mr McGowan initiating contact with pupils and asking a number of rapid questions in a clear attempt to get the pupil's attention. She was satisfied it was not just a one off message; it was a pattern of behaviour. The language he used was concerning, as it was very inappropriate, referring to pupils as his favourite, calling others evil and using swear words. Individual A found it particularly concerning that the contact with two former pupils was over Facebook and Mr McGowan had gone out of his way to seek out their details and send private messages.

The panel noted screenshots of messages from Mr McGowan submitted as part of the bundle.

The panel noted the large volume of messages in the bundle between Mr McGowan and pupils.

The panel noted Mr McGowan had regularly contacted pupils late at night, at the weekend or during the school holidays and consistently used inappropriate language (e.g. [REDACTED]) in his communications with pupils. The panel noted the bundle

contained numerous emails from Mr McGowan, which shared details of his personal life (e.g. [REDACTED]).

The panel was satisfied taking into account the broader context of Mr McGowan's messages with pupils that he had used manipulative language, including reference to his grading of pupils' work and him providing recommendations for pupils.

The panel noted Mr McGowan's submission that the content of his messages had been taken out of context. However, the panel considered lengthy message threads between him and pupils, running to hundreds of pages. The panel concluded that his repeated messages of "missing pupils", them being his "favourite", saying they could be "mates", and wanting to "meet up" with them, failed to maintain appropriate professional boundaries with pupils.

The panel was satisfied Mr McGowan had failed to maintain appropriate professional boundaries with one or more pupils in accordance with the allegation 1 (a) to (i).

The panel noted messages in the bundle where Mr McGowan instructed a pupil to delete his messages. Further, the panel noted Mr McGowan acknowledged in some of his messages to pupils that his behaviour was wrong and/or contrary to safeguarding practices. The panel concluded Mr McGowan's request for a pupil to delete the messages was motivated by his desire to conceal his conduct and was dishonest and/or demonstrated a lack of integrity.

The panel noted the bundle contained documents, which established the School had provided Mr McGowan with previous advice and/or warnings regarding his communication with colleagues and pupils. The panel was satisfied that Mr McGowan had failed to heed the School's guidance and continued to send inappropriate messages to pupils.

The panel noted the bundle contained messages, which demonstrated Mr McGowan continued to contact pupils following his resignation.

The panel found allegations 1(a), 1(b), 1(c), 1(d)(i)-(iii), 1(e), 1(f), 1(g), 1(h), 1(i), 2, 3(a), 3(b), 3(c), 3(d) and 4 proven.

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

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

The panel was satisfied that the inappropriate and offensive language used by Mr McGowan in his messages with pupils clearly contravened the standards expected of teachers and he deliberately ignored the specific guidance of the School and its safeguarding policies.

The panel also considered whether Mr McGowan'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 the listed offences were relevant. While Mr McGowan was found to have been dishonest, the panel was satisfied it was not serious dishonesty.

Accordingly, the panel was satisfied that Mr McGowan 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 was concerned by Mr McGowan's repeated use of inappropriate language and offensive words to describe pupils to other pupils. If parents and the community were aware of Mr McGowan's comments dismissing safeguarding as "nonsense" this would have a negative impact on his own status and on that of the wider profession.

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

Panel's recommendation to the Secretary of State

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

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

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. The panel found a number of the considerations 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 within the teaching profession;
- prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr McGowan which involved:

- A failure to maintain appropriate professional boundaries (by regularly using inappropriate and manipulative language in messages with pupils);
- Dishonesty and a lack of integrity (by seeking to cover up his wrongdoing by asking a pupil to delete message threads); and
- Ignoring earlier guidance and warnings from the School regarding his inappropriate communications;

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 McGowan was not treated with the utmost seriousness when regulating the conduct of the profession. Especially where Mr McGowan had stated in messages to pupils that he viewed safeguarding as “nonsense”.

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 McGowan 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 McGowan.

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 McGowan. 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);
- deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;

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 McGowan’s actions were not deliberate.

There was no evidence to suggest that Mr McGowan was acting under extreme duress, and, in fact, the panel found Mr McGowan’s actions related to on-line activity, where he

would have time to consider the content and tone of his messages prior to sending to pupils. The panel noted that the messages were initiated by Mr McGowan.

The panel noted Mr McGowan's submission that he was in his own view an outstanding teacher who was well liked by pupils and parents. However, no evidence was submitted to attest to Mr McGowan's previous history as a teacher or which demonstrated exceptionally high standards in both personal and professional conduct or that he contributed significantly to the education sector.

[REDACTED]

Mr McGowan did not appear to show insight or remorse for his actions in his written response to the allegations or within the four video recordings addressing the panel.

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 McGowan 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 McGowan. The panel noted the allegations related to behaviour, which extended over a lengthy period, involving a large volume of inappropriate and manipulative messages being sent to pupils at unsuitable times of day. It was not an isolated case of misconduct.

A lack of insight or remorse was also a significant factor in forming the opinion that prohibition was proportionate and appropriate. The panel was concerned by the lack of insight, the absence of any information as to whether or how Mr McGowan was addressing his [REDACTED], and his repeated failure to follow safeguarding procedures and warnings meant it was likely there would be a repetition of the behaviour.

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. The panel found that Mr McGowan was not responsible for any such behaviours.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours include fraud or serious dishonesty. The panel found that Mr McGowan was responsible for being dishonest and/or lacking integrity in that he requested pupils delete messages in an attempt to conceal his conduct. However, the panel concluded this did not amount to serious dishonesty.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a two year 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 Ross McGowan should be the subject of a prohibition order, with a review period of two years.

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

The findings of misconduct are particularly serious as they include findings of a failure to maintain appropriate professional boundaries (by regularly using inappropriate and manipulative language in messages with pupils), dishonesty and a lack of integrity (by seeking to cover up his wrongdoing by asking a pupil to delete message threads) and ignoring earlier guidance and warnings from the School regarding his inappropriate communications.

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

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, “The panel concluded that his (Mr McGowan) repeated messages of “missing pupils”, them being his “favourite”, saying they could be “mates”, and wanting to “meet up” with them, failed to maintain appropriate professional boundaries with 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 McGowan did not appear to show insight or remorse for his actions in his written response to the allegations or within the four video recordings addressing the panel.” In my judgement, the lack of insight 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 considered that public

confidence in the profession could be seriously weakened if conduct such as that found against Mr McGowan was not treated with the utmost seriousness when regulating the conduct of the profession. Especially where Mr McGowan had stated in messages to pupils that he viewed safeguarding as “nonsense”.

I am particularly mindful of the finding of 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 McGowan himself. The panel comment “The panel noted Mr McGowan’s submission that he was in his own view an outstanding teacher who was well liked by pupils and parents. However, no evidence was submitted to attest to Mr McGowan’s previous history as a teacher or which demonstrated exceptionally high standards in both personal and professional conduct or that he contributed significantly to the education sector.” A prohibition order would prevent Mr McGowan from teaching and would clearly deprive the public of his contribution to the profession for the period that it is in force.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr McGowan has made to the profession. In my view, it is necessary to impose a prohibition 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 a two-year review period.

I have considered the panel’s comments “The panel found that Mr McGowan was responsible for being dishonest and/or lacking integrity in that he requested pupils delete messages in an attempt to conceal his conduct. However, the panel concluded this did not amount to serious dishonesty.”

The panel has also said, “The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a two-year review period.”

In this case, I believe the seriousness of the dishonesty found, indicates that allowing a two-year review period is sufficient to achieve the aim of maintaining public confidence in the profession.

This means that Mr Ross McGowan is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 2 September 2024, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr McGowan remains prohibited from teaching indefinitely.



Decision maker: John Knowles

Date: 30 August 2022

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