



Teaching
Regulation
Agency

Mr Jeremy Tucker: Professional conduct panel outcome

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

November 2022

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

Teacher: Mr Jeremy Tucker

Teacher ref number: 7944477

Teacher date of birth: 16 May 1958

TRA reference: 18546

Date of determination: 2 November 2022

Former employer: Acorn Free School, Lincoln

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 31 October to 2 November 2022 by way of a virtual hearing, to consider the case of Mr Jeremy Tucker.

The panel members were Ms Fiona McLaren (lay panellist – in the chair), Mr Gamel Byles (teacher panellist) and Mr Alan Wells (former teacher panellist).

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

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson solicitors.

Mr Tucker 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 September 2022.

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

1. He engaged in unprofessional behaviour including by;
 - a) on one or more occasions attending the School whilst he was under the influence of alcohol and/or smelt of alcohol;
 - b) making one or more inappropriate comments towards and/or in the presence of pupils, specifically;
 - i. on or around 4th October 2018, stating “hey miss, you’ve got big tits and I’d love to suck on them” or using words to that effect;
 - ii. stating “still good looking” or using words to that effect;
 - iii. in or around September/October 2018 stating “stop being an arsehole” or using words to that effect;
 - iv. in or around September/October 2018 stating that a female pupil had a smaller ‘arsehole’;
 - v. stating “I’m going to knock your head off and shit down your throat” or using words to that effect;
 - vi. by calling pupils idiots and/or mocking pupils;
2. His behaviour as may be found proven at allegation 1(b)(i) and/or 1(b)(ii) above was conduct of a sexual nature and/or was sexually motivated;
3. He placed one or more pupils at increased risk of injury and/or harm, including by;
 - a) kicking and/or flipping tables in the presence of one or more pupils;
 - b) sending pupils to the food technology room and/or mechanical engineering room without adequate supervision;
 - c) driving a vehicle with one or more pupils as passengers after consuming alcohol;
4. He employed an individual on behalf of the School without following the recruitment procedure and/or ensuring that the individual was DBS checked.

Mr Tucker made no admission of fact.

Preliminary applications

Application to proceed in the absence of the teacher

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

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 Tucker in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession April 2018 (the 'Procedures').

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

The panel noted that Mr Tucker had not sought an adjournment to the hearing and chose to send in written submissions. 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 Tucker 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 Tucker 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 emails between the presenting officer and the teacher's representative.

The teacher's documents were a response bundle to the allegations.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the 2018 Procedures. Therefore, the panel was

required to decide whether the documents should be admitted under paragraph 4.25 of the 2018 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 for part of the hearing to be heard in private

The panel considered an application from Mr Tucker and the Presenting Officer that part of the hearing relating to his health, his personal relationships and the health of Witness C should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have an objection to the application.

The panel granted the application. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

Application to amend allegations

The presenting officer made an application to amend the allegations as follows:

- In regards to allegation 3(a), the Presenting Officer acknowledged that the evidence in regards to kicking tables is reliant upon the evidence within Ms Carol White's investigation report of 6 March 2019. No live witnesses were being called to support the allegation that Mr Tucker kicked tables and therefore the Presenting Officer invited the Panel to amend the allegation to remove the reference to kicking tables from the allegation.
- In regards to allegation 3(b), the Presenting Officer relied upon the evidence of Witness B and Witness D, both of whom were being called to give oral evidence during the course of the hearing on behalf of the TRA. The Presenting Officer invited the panel to clarify allegation 3(b), by way of removing the reference to sending pupils to the respective rooms in exchange for allowing and/or leaving pupils in the classrooms.

The panel noted that Mr Tucker had been informed of the proposed changes to the allegations and he did not object to the changes.

The panel was advised that it had the power to amend allegations in accordance with paragraph 4.56 of the 2018 Procedures.

The panel considered that the proposed amendments would not change the nature and scope of the allegations in that the allegations would be considered upon the same evidence. As such, the panel considered that the proposed amendments did not amount to a material change to the allegations. The panel also took into account the fact the teacher did not object to the changes.

The legal adviser drew the panel's attention to the case of *Dr Bashir Ahmedsowida v General Medical Council [2021] EWHC 3466 (Admin), 2021 WL 06064095* which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of *Professional Standards Authority v Health and Care Professions Council and Doree [2017] EWCA Civ 319 at [56]*.

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 and anonymised pupil list – pages 5 to 6
- Section 2: Notice of proceedings and response – pages 8 to 19
- Section 3: Teaching Regulation Agency witness statements – pages 22 to 55
- Section 4: Teaching Regulation Agency documents – pages 57 to 125
- Section 5: Teacher documents – none provided

In addition, the panel agreed to accept the following:

- Email between presenting officer and teacher's representative

- Response bundle from Mr Tucker

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:

- Witness A, [REDACTED]
- Witness B, [REDACTED]
- Witness C, [REDACTED]
- Witness D, [REDACTED]
- Witness E, [REDACTED]

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 Tucker was employed as the headteacher of the Acorn Free School ('the School') from September 2013.

In November 2016, concerns were raised anonymously to the Local Authority Designated Officer ('LADO') for the School about Mr Tucker. The LADO reported the concerns to the chair of governors for the School.

Subsequently the then chair of governors appointed an investigating officer. No further action was taken.

In November 2018, concerns were raised that Mr Tucker was under the influence of alcohol at the School. On 28 November 2018, Mr Tucker was subsequently suspended from his role at the School.

On 12 December 2018, an investigating officer met several members of staff who had submitted written complaints and concerns about Mr Tucker's behaviour to the chair of governors.

On 14 February 2019, the investigating officer met with Mr Tucker. In 2019, an agreement was reached with Mr Tucker whereby he left his post at the School and a disciplinary hearing did not proceed.

Findings of fact

The findings of fact are as follows:

1. You engaged in unprofessional behaviour including by;

- a) on one or more occasions attending the School whilst you were under the influence of alcohol and/or smelt of alcohol;

The panel noted the witness statement and oral evidence of Witness B. Witness B explained that from September 2014, a senior colleague, who shared an office with Mr Tucker, reduced her working hours. As a result of this, she was not in the School on one day a week, usually a Wednesday or a Thursday. On the days this colleague was not at the School, Mr Tucker often arrived smelling of alcohol and with blood shot eyes. It became a running joke amongst the staff that Mr Tucker would be late in and smelt of alcohol on the days this colleague was not at the School.

Witness B submitted that Mr Tucker kept several bottles of aftershave on the shelf above his desk along with mints and chewing gum. When Witness B walked into Mr Tucker's office, he often reached for the aftershave and sprayed it or started to chew on mints. In around 2013 to 2015, the School had various inspections. Before Ofsted came, Mr Tucker would eat raw bulbs of garlic.

During the Autumn term in 2017, there were several instances when it was claimed Mr Tucker was at the School whilst under influence the of alcohol. On 20 September 2017, Witness B received a text message about the caretaker from Mr Tucker at 1:45am. Mr Tucker arrived at the School around 8:30am; Witness B submitted that he smelt strongly of alcohol and was acting in a very jovial manner. At around 11am, Witness B was called into a meeting with Mr Tucker, a new parent, a new pupil and a teacher from the mainstream School. When Witness B walked into the small meeting room, Mr Tucker was sitting down and Witness B could smell alcohol.

On 2 November 2017, Witness B explained how she overheard a telephone conversation between Mr Tucker and the mother of Pupil X, Mr Tucker said "*I am going to swear that's really pissed me off. I would like to come down and drag him into the car myself*". Later in the conversation, Mr Tucker said "*he deserves a slapping there is no reason to be the way he is*".

On 23 November 2017, Pupil H was waiting in reception when Witness B heard Pupil H say "*I am not being funny or owt but you looked chunked out of your bean*" to which Mr Tucker replied "*what does chunked out your bean mean*". Pupil H said "*red eyed and stoned*" and Mr Tucker replied "*I can assure you I am not*". Witness B agreed with Pupil H's description. Pupil H was a vulnerable pupil who Witness B believed was in year 10.

On 15 November 2018, Witness B arrived at the School and an administrative colleague, Witness A, informed her that Mr Tucker '*stunk of booze*'. Witness B was not surprised as Mr Tucker had a pattern of coming to the School on Thursdays smelling of alcohol. A couple of minutes later, Witness B witnessed Mr Tucker very unsteady on his feet and saying things that did not make sense. When Mr Tucker left the administration side of the office, she went to that side of the office to use the photocopier and there was a strong smell of alcohol. At around 9am, Mr Tucker left by car to go to the Priory City of Lincoln Academy. Witness B spoke with Witness E and Witness A and they all agreed that Mr Tucker must have been drinking. Witness B informed the LADO.

Witness B later saw Mr Tucker around midday and explained that his appearance appeared better than in the morning; Witness B believed Mr Tucker was hungover. Soon after, the chair of governors arrived and Witness B was surprised to see him. Witness B told Mr Tucker that the chair of governors was here to see him. When Mr Tucker had left the School, Witness B and Witness A found Mr Tucker's golf bag. Mr Tucker used to store his golf bag in his office but then moved offices and put his bag in the PE store. Witness A and Witness B opened the bag and found empty bottles of vodka.

The panel noted the witness statement and oral evidence of Witness C. Witness C submitted that soon after she started at the School, she smelt alcohol on Mr Tucker's breath and in his office. Witness C made comments to Ms Clayton that she could smell booze in Mr Tucker's office. Witness C felt that Mr Tucker's behaviour felt erratic enough to suggest he was not operating as someone that was always sober. Witness C explained that Mr Tucker looked dishevelled in his appearance, was often unshaven, and his shirt was not tucked into his trousers and not ironed. Further, Witness C submitted that Mr Tucker often swore at pupils.

The panel noted the witness statement and oral evidence of Witness A. Witness A submitted that before the summer holidays in 2018, Mr Tucker often smelt of alcohol at the School. Witness A stated that Mr Tucker could arrive once a week smelling of alcohol, and other times he would smell of alcohol the entire week. Witness A submitted that pupils previously said that they had smelt alcohol on Mr Tucker. Mr Tucker tried to disguise the smell with copious amounts of aftershave or eating raw bulbs of garlic. In around June 2016, Ofsted were doing an inspection at the School; Mr Tucker was sat in the senior leadership team chewing on bulbs of garlic as he smelt of alcohol

The panel accepted the witness evidence of Mr Tucker smelling of alcohol on a number of occasions. The panel consider that smelling of alcohol is something that can be determined objectively. The panel did not accept the witness evidence that he had been under the influence of alcohol.

The evidence of him being under the influence of alcohol was based upon his erratic behaviour and was therefore a subjective judgement. It was noted during witness evidence that he would often behave in an erratic manner and this was not always linked

to when he smelt of alcohol. The panel concluded that his erratic behaviour could have been for other reasons than being under the influence of alcohol.

The panel rejected Mr Tucker's case that the witnesses had colluded or conspired with each other and felt that the witnesses were credible. The panel also rejected Mr Tucker's claim that witnesses had been manipulated by a third party for reasons of their own.

The panel found the allegation proven.

b) making one or more inappropriate comments towards and/or in the presence of pupils, specifically;

- i. on or around 4th October 2018, stating "hey miss, you've got big tits and I'd love to suck on them" or using words to that effect;**
- ii. stating "still good looking" or using words to that effect;**
- iii. in or around September/October 2018 stating "stop being an arsehole" or using words to that effect;**
- iv. in or around September/October 2018 stating that a female pupil had a smaller 'arsehole';**
- v. stating "I'm going to knock your head off and shit down your throat" or using words to that effect;**
- vi. by calling pupils idiots and/or mocking pupils;**

The panel noted the witness statement and oral evidence of Witness B. Witness B submitted that on 2 May 2018, she overheard Mr Tucker say to Pupil M, an extremely vulnerable pupil with [REDACTED], "*you're a stupid girl*".

The panel noted the witness statement and oral evidence of Witness D. Witness D submitted that within a few months of being employed by the School, she was in the playground when she overheard Mr Tucker being verbally abusive to Pupil D who had been misbehaving, shouting loudly "*I'm going to knock your head off and shit down your throat*".

Witness D explained that Mr Tucker had used inappropriate language with pupils, calling them names and belittling them, such as calling pupils idiots especially during assemblies. Mr Tucker also mocked pupils by repeating what they said in a silly tone to belittle them.

On 4 October 2018, Mr Tucker conducted an assembly to around 20 pupils from Year 7 to Year 11. The assembly related to a new part of the keeping children safe in education guidance and Mr Tucker was talking about how sexualised comments towards staff

would not be banter but something that would need to be referred. Mr Tucker demonstrated what type of language would not be tolerated to staff by pupils by making the comment “*hey Miss you’ve got big tits, I’d love to suck on them*”. All the pupils in the assembly looked shocked and it became very awkward in the room.

Witness A submitted that Mr Tucker regularly belittled pupils, by saying they were stupid and by mocking them. Witness A also heard Mr Tucker telling a pupil he would “*rip their head off*” and “*shit down their throat*”.

Witness C gave evidence that in or around September 2018, Mr Tucker walked into a School assembly and appeared very annoyed because the pupils were not all sat as they should have been. Mr Tucker shouted at the pupils to sort themselves out, sit correctly and move their chairs into place. One Year 11 pupil, Pupil C, uttered something clever to which Mr Tucker responded by shouting at Pupil C “*stop being an arsehole*”. Pupil C said to Mr Tucker “*why are you calling me an arsehole? Why don’t you call her an arsehole?*” to which Mr Tucker responded “*because hers is smaller*”. The witness described how she remembered this due to her prior knowledge of Pupil C. It was reported that both she and Pupil C were shocked by this comment.

Mr Tucker in his written evidence could not recall the majority of the incidents but accepted he had said the comment in the assembly. The panel found the witnesses consistent with each other and accepted their version of events.

The panel found all of the allegations proved.

2. Your behaviour as may be found proven at allegation 1bi and/or 1bii above was conduct of a sexual nature and/or was sexually motivated;

The panel considered this allegation with great care having heard all of the evidence available to them. They considered that the School was clearly a challenging place to work given the variety of needs of the pupils.

The panel were of the view that Mr Tucker was trying to uphold the standards within the School and make improvements where he could. Having said that it was clear to the panel that he had gone about this in the wrong way and should have considered his actions and comments more carefully.

Upon consideration of all of the evidence the panel did not find that the allegations were conduct of a sexual nature and or sexually motivated.

3. You placed one or more pupils at increased risk of injury and/or harm, including by;

- a) flipping tables in the presence of one or more pupils;**

- b) allowing and or leaving pupils in the food technology room and/or mechanical engineering room without adequate supervision;**
- c) driving a vehicle with one or more pupils as passengers after consuming alcohol;**

The panel noted the witness statement and oral evidence of Witness D. On 17 October 2016, Mr Tucker had agreed to accompany a group of Key Stage 4 pupils to complete work in the mechanical engineering workshop that had equipment that should only be used under supervision. Mr Tucker also took some Key Stage 3 pupils with him. Whilst supervising another group Witness D saw Mr Tucker in the staff corridor who did not return to the classroom for over 10 minutes. It transpired that Mr Tucker had left the pupils in the mechanical engineering workshop unattended whilst the pupils were working on two motorbikes with tools. Witness D explained that Key Stage 4 and younger pupils should not have been in the workshop unaccompanied.

The panel noted the witness statement and oral evidence of Witness B. Witness B stated that on 13 November 2017, Mr Tucker arrived at the School quite dishevelled, tired and had blood shot eyes. Witness B indicated that she saw Mr Tucker from her office window, take Pupil G out of the office in his car and come back with bacon sandwiches.

On 20 November, Mr Tucker came into his office with Pupil E and Pupil F. Both pupils were quite vulnerable and often needed one to one support. On this occasion Mr Tucker smelt strongly of alcohol and seemed extremely jovial. Mr Tucker stood with one hand on the glass partition and the other on the wall. Mr Tucker demanded the School car key out of the safe. Witness B explained she could not get out of the office as Mr Tucker was blocking her. Witness B gave Mr Tucker the keys and saw him drive off with the pupils; Mr Tucker then returned after around 10 minutes with food ingredients and allowed both pupils to go to the food technology room unsupervised for an hour whilst he was in a meeting. Several members of staff came to reception during this time to ask why the pupils were unsupervised and asked if Mr Tucker knew they were alone.

As noted above, the panel did not uphold allegation 1(a) that Mr Tucker had consumed any alcohol or was under the influence of alcohol while at the School. For this reason allegation 3(c) was found not proved.

The panel noted the witness statement and oral evidence of Witness A. In around April/May 2018, around six Year 10 and Year 11 male pupils disappeared over the back fence and left the School. The pupils reappeared in the afternoon an hour before the School day was due to finish. Witness A was asked by Mr Tucker to take the pupils down to the key stage 3 classroom, and was told that she had to stand in the classroom. Mr Tucker screamed at the pupils in their faces and flipped a School table. Witness A stated that she felt *'horrendous that Mr Tucker was behaving in such a way but was glad the pupils were not in the classroom on their own with Mr Tucker.'*

The panel noted the witness statement and oral evidence of Witness E. Witness E submitted that in summer 2018, some pupils absconded from the School and the School had to contact the police. At the end of the day, the pupils came back to School and went in one of the classrooms. Witness E watched the CCTV footage of the pupils in the classroom. From the CCTV footage, Witness E could hear shouting and saw Mr Tucker flip a rectangular table.

The panel considered the written evidence of Mr Tucker. On the balance of probabilities the panel preferred the witness evidence that was heard which was consistent.

The panel found allegation 3(a), and 3(b) proved but did not find 3(c) proved.

4. You employed an individual on behalf of the School without following the recruitment procedure and/or ensuring that the individual was DBS checked.

The panel noted the witness statement and oral evidence of Witness B, who submitted that during the academic year 2017/18, a current DBS for a contractor was not evidenced for the single central register. Mr Tucker employed the contractor on a casual basis to assist in the mechanical engineering workshop. Witness B stated that The School's recruitment procedures were not followed as no contract or service level agreement was in place, no purchase order raised and no record was kept in School of the days worked by the contractor. There was also no current DBS check, albeit the contractor had previously provided service to the School. At that time there was a valid DBS check.

The panel noted the size of the School and that having a member of staff on site without a DBS check was a serious concern. Responsibility for obtaining DBS checks and ensuring recruitment procedures are followed would usually be a matter for a member of the administrative staff. As head teacher and designated safeguarding lead Mr Tucker would have had overall responsibility of this in ensuring that procedures were being followed.

The panel found the allegation proved.

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

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

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Tucker, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Tucker 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 tolerance of and respect for the rights of others
- 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 Tucker amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Tucker's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences was relevant.

Accordingly, the panel was satisfied that Mr Tucker 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 Tucker's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1(b), 3(a), 3(b) and 4 proved, the panel further found that Mr Tucker's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

The panel were aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Tucker, which involved attending the School whilst smelling of alcohol, making inappropriate comments and placing pupils at increased risk of injury and/or harm, 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 Tucker 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 Tucker 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 Tucker.

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 the teacher. 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);
- violating of the rights of pupils;
- deliberate behaviour that undermines pupils, the profession, the School or colleagues.

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 Tucker's actions were not deliberate.

There was no evidence to suggest that Mr Tucker was acting under extreme duress.

No evidence was submitted to attest to Mr Tucker's history or ability as a teacher. Nor was any evidence submitted demonstrating exceptionally high standards in both personal and professional conduct or that Mr Tucker contributed significantly to the education sector. It was accepted that Mr Tucker is a teacher who has been in the profession a significant amount of time.

Little mitigation evidence was submitted on behalf of Mr Tucker. Mr Tucker did not submit any evidence, which demonstrated that he had shown insight or remorse into his actions. The panel noted that belittling and inappropriate language was used on a regular basis which caused real concern about the lasting impact this may have on students.

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. The panel felt that if members of the public heard the facts of the case there would be real concern if this teacher was allowed to continue to teach. Recommending that the publication of adverse findings would be insufficient and would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for the teacher 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

Tucker. The lack of insight and remorse 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 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 Tucker 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. The panel found that Mr Tucker was not responsible for such behaviours.

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 review period, that period being 3 years.

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 a number of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven including allegation 2, "Your behaviour as may be found proven at allegation 1bi and/or 1bii above was conduct of a sexual nature and/or was sexually motivated", I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Tucker 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 tolerance of and respect for the rights of others
- 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 Tucker fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include findings of engaging in unprofessional behaviour by, "on one or more occasions attending the School whilst you were under the influence of alcohol and/or smelt of alcohol" and "making one or more inappropriate comments towards and/or in the presence of pupils."

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Tucker, 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.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Little mitigation evidence was submitted on behalf of Mr Tucker. Mr Tucker did not submit any evidence, which demonstrated that he had shown insight or remorse into his actions." 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 felt that if members of the public heard the facts of the case there would be real concern if this teacher was allowed to continue to teach." The panel also considered, "that public confidence in the profession

could be seriously weakened if conduct such as that found against Mr Tucker was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of unprofessional behaviour 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 Tucker himself and the contribution he has made to the profession. The panel comment “No evidence was submitted to attest to Mr Tucker’s history or ability as a teacher. Nor was any evidence submitted demonstrating exceptionally high standards in both personal and professional conduct or that Mr Tucker contributed significantly to the education sector. It was accepted that Mr Tucker is a teacher who has been in the profession a significant amount of time.” A prohibition order would prevent Mr Tucker 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 also placed considerable weight on the finding of the panel that Mr Tucker used belittling and inappropriate language on a regular basis which they comment, “caused real concern about the lasting impact this may have on students.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Tucker 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 a three year review period.

I have considered whether allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence

in the profession. In this case, I believe that allowing a three year review period is sufficient given the seriousness of the findings, it will maintain public confidence in the profession and allow a sufficient period for Mr Tucker to reflect on his behaviour and develop insight or remorse.

I consider therefore that a three year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Jeremy Tucker 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 9 November 2025, three 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 Tucker remains prohibited from teaching indefinitely.

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

Mr Jeremy Tucker has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: John Knowles

Date: 4 November 2022

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