



Teaching
Regulation
Agency

Mr Anthony Shaw: Professional conduct panel outcome

Panel decision and reasons

February 2021

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

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| Teacher: | Mr Anthony Shaw |
| Teacher ref number: | 0637398 |
| Teacher date of birth: | 13 July 1980 |
| TRA reference: | 18561 |
| Date of determination: | 24 February 2021 |
| Former employer: | Morecambe High School, Morecambe and Lakes School, Windermere |

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 February 2021 by virtual hearing, to consider the case of Mr Anthony Shaw.

The panel members were Ms Karen McArthur (lay panellist – in the chair), Mr Alex Osiatynski (teacher panellist) and Mr Chris Rushton (lay panellist).

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

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson LLP solicitors.

Mr Shaw was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 24 November 2020.

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

1. Whilst employed as a maths teacher at Morecambe High School, he engaged in inappropriate and/or unprofessional behaviour towards Pupil A between 2008-2010, including by:

a. exchanging messages with Pupil A via social media in which he:-

i. commented on her appearance and/or called her 'pretty';

ii. told her that she would find another boyfriend easily;

iii. made sexual innuendos about her riding a horse and sitting on a saddle;

iv. requested that she come into the school without tights or underwear and/or sit somewhere where he could see her and push her skirt up;

v. sent her one or more videos of himself and/or another male engaging in masturbation;

vi. asked her if she had enjoyed watching one or more videos or words to that effect of himself and/or another male engaging in masturbation; and

vii. asked and/or suggested that she send a video of herself masturbating to him.

b. inviting Pupil A to his house for a meal and asking her to wear her school uniform.

2. His actions as may be found proven in allegation 1 above, is conduct of a sexual nature and/or was sexually motivated.

Mr Shaw has not admitted the allegations or that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel re-considered the decision made at a Case Management Hearing on 13 November 2020 ('CMH') to proceed in the absence of the teacher. The panel noted that Mr Shaw was sent the notice of proceedings on 24 November 2020 and had responded on 16 December 2020 indicating that he would not be attending the hearing. The panel heard from the presenting officer that she had emailed Mr Shaw on 17 February 2021 and he had responded confirming that he would not be attending the hearing.

The panel concluded that the CMH decision should stand given that Mr Shaw had indicated that he would not attend the hearing on multiple occasions and had, therefore waived his right to attend. The panel did not consider that an adjournment would secure Mr Shaw's attendance and concluded that it was in the public interest for the hearing to proceed.

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 2 to 4
- section 2: notice of hearing and response – pages 6 to 11
- section 3: Teaching Regulation Agency witness statements – pages 13 to 16
- section 4: Teaching Regulation Agency documents – pages 18 to 172
- section 5: teacher documents – pages 174 to 176

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

Witnesses

The panel heard oral evidence from Pupil A, called by the presenting officer.

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 Shaw was employed at Morecambe High School “the School” as a mathematics teacher from 1 September 2006. Pupil A was a pupil at the School from September 2007 until July 2010. She returned to the School in September 2011 to attend sixth form.

At some point between the academic years 2008 to 2010 Pupil A confided in Mr Shaw regarding her boyfriend at the time. Mr Shaw allegedly added Pupil A on social media, namely Facebook and MSN, and they began messaging each other. Mr Shaw is alleged to have sent to Pupil A messages with sexual innuendos and one or more videos of himself and/or another man masturbating.

In or around September 2012, Pupil A made a comment to another teacher, [REDACTED], regarding Mr Shaw. On or around 27 September 2012, Pupil A reported the events to the same teacher and the deputy headteacher at the School. The School made a referral to the Local Authority Designated Officer (the ‘LADO’).

On or around 2 October 2012, Mr Shaw was arrested and interviewed by the police. On or around 8 October 2012, Mr Shaw was suspended from the School pending the outcome of the police investigation.

On or around 31 December 2013, Mr Shaw left the School under a settlement agreement.

The outcome of the police investigation was the release of Mr Shaw without charge/no further action.

Between 1 September 2014 and 30 November 2014 Mr Shaw worked as a supply maths teacher for Lancashire Teaching Agency. Mr Shaw then worked at Pleckgate High School between 1 December 2014 and 31 August 2015.

Between 1 September 2015 and 12 June 2019, Mr Shaw worked at the Lakes School. The Lakes School became aware of the allegations relating to Mr Shaw’s employment at the School and began an investigation. The Lakes School also referred this matter to the TRA. Mr Shaw resigned from his employment at the Lakes School on 12 June 2019.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

1. Whilst employed as a maths teacher at Morecambe High School (‘the School’), you engaged in inappropriate and/or unprofessional behaviour towards Pupil A between 2008-2010, including by:

a. exchanging messages with Pupil A via social media in which you:

- i. commented on her appearance and/or called her ‘pretty’;**
 - ii. told her that she would find another boyfriend easily;**
 - iii. made sexual innuendos about her riding a horse and sitting on a saddle;**
 - iv. requested that she come into the School without tights or underwear and/or sit somewhere where you could see her and push her skirt up;**
 - v. sent her one or more videos of yourself and/or another male engaging in masturbation;**
 - vi. asked her if she had enjoyed watching one or more videos or words to that effect of yourself and/or another male engaging in masturbation;**
 - vii. asked and/or suggested that she send a video of herself masturbating to you.**
- b. inviting Pupil A to your house for a meal and asking her to wear her school uniform.**

On examination of the documents before the panel and on consideration of the oral evidence from Pupil A, the panel was satisfied that these allegations were proved.

The panel found Pupil A to be a credible witness. The panel acknowledged that Pupil A had given an account of this matter on a number of occasions at different times during a period of almost 10 years (to Morecombe High School, the police, the Lakes School and the TRA) and her account had remained consistent.

Mr Shaw was not present at the hearing and it did not appear that he had taken steps to participate in this matter, although he had provided a simple denial of the allegations against him.

Mr Shaw did not provide any evidence or explanation in respect of his denial of the allegations, save for an undated witness statement on 25 August 2019. The panel understood that this statement was the same statement Mr Shaw provided to the Lakes School in June 2019. Within this statement Mr Shaw states that a “false allegation” was made against him by “a girl” who is later identified in his statement as being Pupil A. Mr Shaw intimates that Pupil A’s statement to the police was untruthful, save for the part of it which refers to Pupil A confiding in Mr Shaw about a boyfriend. Mr Shaw did not explain why he believes that Pupil A has made false allegations against him.

The panel considered this statement in respect of the allegations above, but ultimately decided that there was no evidence to suggest that Pupil A had an ulterior motive and/or

anything to gain in making allegations against Mr Shaw or by providing evidence in connection with this matter. On balance, the panel believed Pupil A's evidence.

The panel was provided with evidence in the bundle from pupils and teachers at the School. The panel acknowledged that much of this evidence was hearsay evidence and therefore considered the weight that it should place on such evidence. The panel gave more weight to Pupil A's evidence, however it concluded that the additional evidence in the bundle supported Pupil A's evidence and provided context regarding Pupil A's relationship with Mr Shaw.

Whilst Mr Shaw was not present, the documents indicated that he had previously denied contacting pupils on social media. The police report provided in the bundle stated that Pupil A's email address was found on Mr Shaw's computer. The panel understood that Mr Shaw had asserted that somebody else could have used his computer to communicate with Pupil A, however the panel did not find this to be a credible assertion.

Finally, the panel acknowledged that the police did not take any action in respect of this matter owing to a lack of evidence, however it did not consider that it precluded the panel from finding the allegations proved especially given the different evidential burden. The panel was informed that the MSN messages and video clips had been deleted and therefore could not be considered by the police as part of their original investigation or by the panel as part of these proceedings.

On balance, the panel concluded that Mr Shaw had been in contact with Pupil A on social media and that the allegations were proven.

2. Your actions as may be found proven in allegation 1 above, is conduct of a sexual nature and/or was sexually motivated.

On examination of the documents before the panel and on consideration of the oral evidence from Pupil A, the panel was satisfied that the allegation was proved.

The panel's attention was drawn to *s78 Sexual Offences Act 2003* and to the case of *Sait v General Medical Council [2018]*. In respect of the issue of motivation, the panel considered that Mr Shaw's conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship.

In making this determination, the panel had particular regard to the fact that Mr Shaw had sent one or more sexually explicit videos to Pupil A and made sexual innuendos. It also had regard to the fact that Mr Shaw had asked Pupil A to come to his house dressed in her school uniform and that he had asked her to attend school without wearing tights or underwear.

The panel concluded that the words Mr Shaw had used and the context in which those words were used plainly indicated conduct of a sexual nature and/or sexual motivation. The panel did not consider that Mr Shaw's actions could be construed in any other way.

The panel also heard evidence that Mr Shaw told Pupil A he could no longer be friends with her on Facebook because somebody had noticed that they were connected on social media. Mr Shaw then began communicating with Pupil A by MSN. The panel felt that this indicated an acknowledgement by Mr Shaw that his communications with Pupil A were inappropriate but, despite this, he still sought to continue and conceal them.

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

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

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

The panel was satisfied that the conduct of Mr Shaw, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Shaw 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 Shaw amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel's view was that exchanging messages with a pupil on social media alone may amount to unacceptable professional conduct and/or a failure to observe proper boundaries. However, the content of the messages on social media, and Mr Shaw's

behaviour with Pupil A in person, was a clear and serious departure from the standards of conduct expected of the teaching profession.

The panel also considered whether Mr Shaw's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of sexual activity was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. Whilst Mr Shaw was not convicted of an offence, the panel considered that he had displayed behaviours associated with sexual activity, given the video(s) he sent to Pupil A and the nature of the messages that he sent her.

The panel felt strongly about the allegations in this matter and, whilst it had not been asked to consider this, it felt that Mr Shaw's behaviour was consistent with that of someone attempting to "groom" a young person.

Accordingly, the panel was satisfied that Mr Shaw 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 panel noted that some of the allegations took place outside the education setting as the MSN messages were sent outside of school hours and it appeared that Mr Shaw was using his computer at home. However, the panel's view was that the findings of misconduct were of a serious nature, 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. In the panel's mind, Mr Shaw had clearly fallen short of the standards expected of him and had not acted as a role model.

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

Having found the facts of the allegations proved, the panel further found that Mr Shaw'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.

In the light of the panel's findings against Mr Shaw, which involved a failure to maintain appropriate professional boundaries with Pupil A, 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 Shaw were 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 Shaw 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 Shaw.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

- 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.

In the light of the panel's findings:

There was evidence that Mr Shaw's actions were deliberate. There was no evidence to suggest that Mr Shaw was acting under duress.

The panel noted that no substantial information or evidence had been provided regarding Mr Shaw's history or ability as a teacher. Mr Shaw had not provided any character references that could attest to his ability as a teacher, nor had he provided any detailed comments on this himself. The panel was therefore unable to assess Mr Shaw's ability as a teacher or whether he had a previously good history.

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 had regard again to the undated statement provided by Mr Shaw on 25 August 2019, which referred to him suffering from [REDACTED], albeit no evidence had been provided to suggest that Mr Shaw was suffering from such conditions at the time the conduct took place. The panel noted that Mr Shaw had not provided any further information or medical evidence in respect of the allegations or in respect of mitigation.

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 Shaw 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 Shaw. The serious nature of the misconduct was a significant factor in forming that opinion; the panel concluded that the misconduct was on the more serious end of the scale as it related to conduct of a sexual nature with a pupil.

The panel was also mindful of the length of time that had elapsed from the original misconduct in 2008 to 2010 to the date of the hearing. Mr Shaw had therefore had a long period of time to reflect on his behaviour. Despite this, Mr Shaw had not shown any

remorse, understanding or insight into his actions. This meant that Pupil A was required to give evidence again and recount the behaviour to which she had been subject to yet again.

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. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons.

The panel considered this, however it ultimately concluded that whilst there was sexual misconduct present in this matter, it was not at the most serious end of the spectrum. The fact that there was no physical contact was a significant factor in the panel reaching this conclusion. In addition, without wishing to minimise the impact on Pupil A, it did not appear that Pupil A had been seriously harmed by the conduct that took place and no evidence was presented to suggest it had continued to have a particularly negative impact on her life.

The panel was of the view that this decision may allow Mr Shaw to reflect on his actions and take steps to remediate his behaviour and demonstrate insight in due course.

The panel therefore 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 of 5 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Shaw should be the subject of a prohibition order, with a review period of 5 years.

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

The findings of misconduct are particularly serious as they include a finding of failure to maintain appropriate professional boundaries with a pupil, conduct of a sexual nature and/or sexual motivation.

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 Shaw, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings against Mr Shaw,

which involved a failure to maintain appropriate professional boundaries with Pupil A, there was a strong public interest consideration in respect of the protection of pupils". A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Shaw had not shown any remorse, understanding or insight into his actions. This meant that Pupil A was required to give evidence again and recount the behaviour to which she had been subject to yet again". In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour. 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 reported, "The findings of misconduct were of a serious nature, 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. In the panel's mind, Mr Shaw had clearly fallen short of the standards expected of him and had not acted as a role model". I am particularly mindful of the finding of conduct of a sexual nature with a pupil 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 Shaw himself, the panel comment "No substantial information or evidence had been provided regarding Mr Shaw's history or ability as a teacher. Mr Shaw had not provided any character references that could attest to his ability as a teacher, nor had he provided any detailed comments on this himself. The panel was therefore unable to assess Mr Shaw's ability as a teacher or whether he had a previously good history".

However, a prohibition order would prevent Mr Shaw 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 related to Mr Shaw's conduct. The panel has said, "Whilst Mr Shaw was not convicted of an offence,

the panel considered that he had displayed behaviours associated with sexual activity, given the video(s) he sent to Pupil A and the nature of the messages that he sent her. The panel felt strongly about the allegations in this matter and, whilst it had not been asked to consider this, it felt that Mr Shaw's behaviour was consistent with that of someone attempting to "groom" a young person".

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Shaw 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, 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 5 year review period.

I have considered the panel's comments "The panel considered this, however it ultimately concluded that whilst there was sexual misconduct present in this matter, it was not at the most serious end of the spectrum. The fact that there was no physical contact was a significant factor in the panel reaching this conclusion. In addition, without wishing to minimise the impact on Pupil A, it did not appear that Pupil A had been seriously harmed by the conduct that took place and no evidence was presented to suggest it had continued to have a particularly negative impact on her life. The panel was of the view that this decision may allow Mr Shaw to reflect on his actions and take steps to remediate his behaviour and demonstrate insight in due course".

I have considered whether a 5 year 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, a number of factors mean that a 2 year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the nature of the sexual misconduct and the lack of evidence of either insight or remorse.

In reaching my decision regarding a review period and taking into account, that the panel considered Mr Shaw's conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship and the fact that Mr Shaw had sent one or more sexually explicit videos to Pupil A and made sexual innuendos. There was a lack of evidence to demonstrate insight or remorse to prevent behaviour of this type recurring in the future and no evidence as to Mr Shaw's ability and history as a teacher. I feel that the panel have given too much weight to the fact that there was no physical contact with the pupil.

After careful consideration and despite the consequences for Mr Shaw, I have decided that allowing for no review period is necessary to maintain public confidence in the profession and the protection of pupils and is proportionate.

This means that Mr Anthony Shaw 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 Shaw 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 Anthony Shaw 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 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 26 February 2021

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