



Teaching
Regulation
Agency

Mr Paul Scott: Professional conduct panel outcome

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

October 2022

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

Teacher:	Mr Paul Scott
Teacher ref number:	9944758
Teacher date of birth:	22 October 1968
TRA reference:	0018818
Date of determination:	10 to 21 October 2022
Former employer:	Arboretum Primary School, Derbyshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually, via Microsoft Teams, on 10 to 21 October 2022, to consider the case of Mr Paul Scott.

The panel members were Mr Roger Woods (former teacher panellist – in the chair), Mr Duncan Tilley (lay panellist) and Mrs Melissa West (teacher panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

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

Mr Scott was 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 26 April 2022.

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

1. Made unprofessional and/or inappropriate comments, in that he;
 - a. Made comments to one or more female members of staff regarding their appearance and/or what they were wearing, by making one or more of the comments set out in the attached schedule;
 - b. Made comments to one or more female members of staff in relation to pregnancy, by making one or more of the comments set out in the attached schedule;
 - c. Made comments to one or more female members of staff of a suggestive and/or sexual nature, by making one or more of the comments set out in the attached schedule;
 - d. Made comments referring to others in a derogatory way, by making one or more of the comments set out in the attached schedule;
2. Made inappropriate physical contact with other staff members, by engaging in one or more of the behaviours described in the attached schedule.
3. His behaviour as may be found proven at allegation 1 and/or 2 with respect to Staff Member 008 and/or Staff Member 009 constituted sexual harassment.
4. Failed to carry out his safeguarding responsibilities as Headteacher and Designated Safeguarding Lead, adequately or at all, on one or more occasions, in that he;
 - a. Failed to acknowledge and/or deal in a timely and/or appropriate manner with concerns reported either directly to him or via the School's safeguarding system, including but not limited to the incident relating to Pupil A and Individual E in March 2019;
 - b. Failed to feedback, adequately or at all, to members of staff in relation to any actions taken to deal with safeguarding concerns, including but not limited to the incident relating to Pupil A and Individual E in March 2019.
5. Failed, without reasonable excuse, to carry out his professional duties as Headteacher on one or more occasions, in that he;

- a. Informed other members of the Senior Leadership Team that he would not be coming into school when it was snowing on an occasion in or around February 2018, without any regard for how decisions about the management of the school would be made in his absence;
- b. Failed to plan for and/or attend a staff inset/training day at the beginning of the 2018/19 academic year, despite having previously arranged this to accommodate other plans he had made around the October half-term.

Mr Scott denied all of the allegations at the outset of the hearing.

He accepted that some comments/instances of physical contact, as particularised in the schedule to the allegations, did occur. However, he denied that his admitted actions were unprofessional, inappropriate and/or derogatory in the specific context in which they occurred.

Mr Scott made some further admissions during the course of his oral evidence, accepting that in certain respects his actions were inappropriate and unprofessional in relation to allegations 1 and 2.

Mr Scott denied that his conduct amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

The panel received four preliminary applications on behalf of the TRA, namely:

- To anonymise witnesses;
- For special measures;
- To admit hearsay evidence; and
- For part of the hearing to be held in private.

In addition, on the morning of day 7 of the hearing, Mr Scott made an application to admit an additional witness statement.

In considering these applications, the panel had careful regard to the parties' submissions and relevant documentation. It accepted the legal advice provided.

Application for anonymisation

The TRA sought a direction for anonymity in relation to all of the witnesses it was calling to give evidence. This application was made pursuant to Rule 4.60 of the 'Teacher Misconduct: disciplinary procedures for the teaching profession' ("the Procedures").

On behalf of the TRA, it was submitted that anonymity was necessary and appropriate, in the specific circumstances of this case, to ensure that the witnesses were in the best position possible to provide their evidence openly to the panel.

It was further submitted that this did not prejudice Mr Scott and nor was it contrary to the public interest.

With specific reference to Staff Member 8 and Staff Member 9, reference was also made to the fact that they were the alleged victims of behaviour said to amount to sexual harassment. It was suggested that they should, therefore, be considered as vulnerable and this necessitated anonymisation.

Mr Scott did not object to the application.

However, in addressing the panel, Mr Scott suggested that, were the application to be allowed, it would mean that he would be treated differently to the witnesses. He would be named whereas the witnesses, who were his accusers, would not be. Mr Scott thereby queried the fairness of making such a distinction.

Having carefully considered the information before it and the parties' submissions, the panel agreed to the application for anonymisation in relation to Staff Member 8 and Staff Member 9 only.

It followed that it decided the remaining TRA witnesses should not be anonymised.

In relation to Staff Member 8 and Staff Member 9, the allegations their evidence addressed included that they were, allegedly, subject to unwanted attention in the form of comments of a sexual nature, in a broad sense, and physical contact. It was further alleged that these actions constituted sexual harassment.

In the specific circumstances of this case, the panel concluded that this warranted a departure from the principle of open justice whereby both individuals should be anonymised. They were the alleged victims of this unwanted behaviour and the panel concluded, on balance, that this direction was appropriate and necessary.

However, the panel arrived at a different conclusion in relation to the other witnesses.

In short, it was not persuaded that, in relation to any of these individuals, there was a good reason to depart from the presumption that hearings will take place in public and that the identity of witnesses will be referred to in public. The panel had firmly in mind the importance of open justice and the need for any interference to be exceptional and justified.

The panel noted that some of the witnesses were the alleged recipients of comments that included sexual elements. The Procedures support the fact that allegations of a sexual nature may warrant special consideration when witnesses are the alleged victims.

However, the panel recognised that there is a spectrum of sexual misconduct. Other than in relation to Staff Member 8 and Staff Member 9, the panel did not consider that the nature of the allegations could be said to fall at the most serious end of that spectrum and nor did they warrant any other staff members being considered as victims. Mr Scott's conduct was not alleged to amount to sexual harassment in relation to anyone else other than Staff Member 8 and Staff Member 9.

In all the circumstances, the panel was not persuaded that these other witnesses would feel inhibited from speaking freely, due to the nature of these allegations. There was no evidence they had positively sought to be anonymised or requested any other special measures.

The panel accordingly directed that Staff Member 8 and Staff Member 9 should be anonymised for the purposes of this hearing.

For the sake of completeness, the panel confirmed that this decision is limited to the hearing itself. It does not apply to the publication of information at the conclusion of the professional conduct panel process, which will be a matter for the TRA.

Application to admit hearsay evidence

The TRA was intending to call 10 witnesses. In addition, the panel was presented with the accounts of other individuals, obtained during the course of the earlier investigation, which were also relied upon. The TRA sought to adduce that evidence as hearsay evidence.

It was submitted on behalf of the TRA that this did not give rise to any unfairness and this evidence was not sole or decisive evidence in support of any of the allegations. Further, it was suggested that to call each and every individual would be disproportionate.

Mr Scott did not oppose the application.

The panel concluded that this evidence should be admitted.

It agreed with the submission that it was not the sole or decisive evidence in relation to any of the allegations and admitting it did not give rise to any risk of prejudice to Mr Scott.

Having considered the evidence in totality, the panel would be in a position to make an assessment of the reliability of this hearsay evidence. The hearing process would allow for an opportunity to consider its reliability and what weight should be attached to it.

The panel considered that it was in the public interest for the evidence to be properly considered through that process and not excluded at this stage.

Application for special measures

The TRA made an application, pursuant to paragraph 4.71 of the Procedures, for the following witnesses to be deemed vulnerable witnesses:

- Witness A
- Witness B
- Witness C
- Staff Member 8; and
- Staff Member 9.

The application was on the specific and limited basis that the evidence from these witnesses addressed allegations of a sexual nature and they should not, as a consequence, be directly questioned by Mr Scott. Mr Scott was representing himself in these proceedings.

To address the latter concern, two suggestions were put forward in terms of special measures:

- That the panel and/or legal adviser ask any questions Mr Scott wished to put to the witnesses on his behalf; or
- An independent advocate be appointed to perform the task of asking questions and arrangements had been made on a pre-emptive basis to facilitate that.

For the same reasons as outlined in relation to the application for anonymity, the panel was satisfied that Staff Member 8 and Staff Member 9 should be deemed vulnerable due to the nature of the allegations their evidence addressed.

In relation to Witness A, Witness B and Witness C, the panel was not satisfied that anonymity was appropriate or necessary. Nonetheless, on balance, it was satisfied that given the nature of their evidence, which did include sexual elements, there was a real prospect that direct questioning by Mr Scott would be likely to adversely affect the quality of their evidence. Whilst it was not apparent that this had been suggested to date, the panel also considered that these events could give rise to feelings of intimidation on the part of the witnesses if, during their evidence, they were directly questioned by Mr Scott about them.

That is not to suggest that Mr Scott would seek to intimidate them in any way, but rather that being questioned about such matters could give rise to genuine feelings of intimidation.

For these reasons, these witnesses were also considered to be vulnerable witnesses in the specific context outlined, which Mr Scott accepted.

Initially, the panel was also invited to consider the remaining witnesses as vulnerable. However, this was not pursued in the oral application and the panel did not consider such a direction was appropriate or necessary.

Having agreed that these individuals should be considered as vulnerable, the panel proceeded to consider what special measures, if any, were appropriate.

In doing so, the panel undertook a balancing exercise of the interests of these individuals, Mr Scott and the wider public in ensuring a fair hearing.

Given the panel's direction was premised on the fact that Mr Scott should not be permitted to question them directly, it considered the alternative propositions suggested to allow Mr Scott's questions to be put to the witnesses and ensure a fair hearing.

It was of paramount concern to the panel that any and all questions Mr Scott may have for the witnesses needed to be asked.

The panel was not persuaded that it was appropriate or practical for the panel or the legal advisor to ask questions. That would involve consulting with Mr Scott, including in relation to any follow-up questions, which might result in a blurring of boundaries in this process.

However, the appointment of an independent, qualified advocate, gave rise to no such concerns. The hearing process would allow for the opportunity for Mr Scott to converse with the individual, both prior to and during the evidence of the witnesses in question, to formulate any questions he may have and thereby put his case. Appropriate adjournments would be provided in order for Mr Scott to provide further instructions as necessary.

Far from compromising a fair hearing, the panel concluded such an arrangement would further it. Mr Scott was unrepresented in these proceedings. The TRA was prepared to accept the financial burden of instructing the advocate to perform this role. The panel considered it was possible, even likely, that Mr Scott would be assisted in putting his case by having discussions with the appointed advocate, albeit they would not be retained by him.

The panel therefore directed that the following individuals be deemed to be vulnerable witnesses. It further directed that they should be questioned by an independent advocate to be appointed by the TRA:

- Witness A
- Witness B
- Witness C
- Staff Member 8; and
- Staff Member 9.

The advocate would not act as Mr Scott's legal representative in respect of providing him with legal advice. The individual would be instructed in a limited capacity to put Mr Scott's questions to these witnesses.

Application for privacy

The TRA sought a direction for any part of the hearing in which medical matters were discussed to be held in private.

In particular, some allegations alluded to medical matters in relation to certain staff members at the School.

The request was not opposed by Mr Scott.

The panel took account of the fact that there is a presumption that hearings of this nature take place in public and there is a legitimate public interest in the openness and transparency of the TRA's disciplinary procedures.

However, the panel agreed that any references to health or medical conditions should be heard in private. Insofar as any aspect of the hearing may include reference to medical matters, the panel would proceed in private.

The panel invited the parties to notify it if, at any stage, it was anticipated that it would be necessary to go into private session.

Application to admit additional documentation

Mr Scott applied to admit an additional character reference in the form a letter from [redacted].

[redacted] had previously provided a letter of support to Mr Scott, which was already included in evidence. The latest document sought to expand upon her earlier letter.

The panel agreed to admit the document. It was relevant to the matters before the panel and it did not consider its admission resulted in any unfairness. The TRA did not formally object to the document being introduced.

However, given the nature of this document and the fact [redacted] would not be giving evidence, the panel would have to carefully consider what weight, if any, could be attached to it. [redacted] could not be questioned about the content of her letters. Further, the extent of [redacted] awareness of the allegations was confirmed, by Mr Scott, to be incomplete. In addition, within the document, [redacted] made comments about various witnesses called by the TRA that had not been put to them in their evidence. It followed they had not been given the opportunity to respond to [redacted] assertions.

The statement was added to the bundle at pages 326 to 328.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised person list – pages 6 to 7

Section 2: Notice of proceedings and response – pages 9 to 16

Section 3: Teaching Regulation Agency witness statements – pages 18 to 73

Section 4: Teaching Regulation Agency documents – pages 80 to 315

Section 5: Teacher documents – pages 319 to 325

In addition, as noted above, the panel decided to admit an additional witness statement from [redacted] presented by Mr Scott on the morning of day 7 of the hearing.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing, together with this additional statement.

Witnesses

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

- Witness D
- Witness B
- Witness E
- Witness A
- Witness F

- Witness G
- Witness H
- Staff Member 9
- Staff Member 8
- Witness I

Mr Scott also gave evidence to the panel.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Introduction

Mr Scott was previously the headteacher of Arboretum Primary School ("the School").

He commenced that role in September 2016.

On 1 February 2019, the School converted to an academy under the jurisdiction of Derby Diocesan Academies Trust ("the Trust").

In April 2019, staff members at the School met with the Chair of Governors to raise safeguarding and other concerns in relation to Mr Scott.

On 15 May 2019, as a consequence of the issues raised by the staff and following initial enquiries, Mr Scott was suspended by the School pending a formal investigation.

[redacted], an independent investigator, was appointed as the investigating officer.

At the conclusion of [redacted] investigation, a disciplinary process was undertaken leading to a hearing on 15 July 2019. Mr Scott subsequently, unsuccessfully appealed the outcome of that hearing.

On 25 October 2019, Mr Scott was referred to the TRA.

Evidence

The panel had careful regard to the oral and documentary evidence presented and the parties' submissions. It accepted the legal advice provided.

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

- Witness D
- Witness B
- Witness E
- Witness A
- Witness F
- Witness G
- Witness C
- Staff Member 9.
- Staff Member 8.
- Witness H

At the outset of the hearing, Mr Scott denied the allegations and that his actions constituted unacceptable professional conduct or conduct that may bring the profession into disrepute.

Mr Scott accepted that some comments and instances of physical contact, as particularised in the schedule to the allegations, which is incorporated as an addendum to the panel's written decision ("the Schedule"), did occur.

However, he denied that his admitted actions were unprofessional, inappropriate or derogatory in the specific context in which they occurred.

Mr Scott proceeded to give evidence to the panel and in doing so he made further admissions. In particular, in some respects Mr Scott accepted that his actions were inappropriate and unprofessional.

The panel confirmed that it has not relied upon any findings made, or opinions expressed, during the earlier investigation or subsequently. It formed its own, independent view of the allegations based on the evidence presented to it.

Findings of fact

The findings of fact are as follows:

- 1. Made unprofessional and/or inappropriate comments, in that you;**

a. Made comments to one or more female members of staff regarding their appearance and/or what they were wearing, by making one or more of the comments set out in the attached schedule;

The evidence relied upon by the TRA in support of this allegation came from multiple witnesses, namely:

- Witness D, who gave evidence about an occasion when the School's head cook was receiving a long service award from Mr Scott, in front of the whole staff, when he put his arm around her and made a comment to the effect that "*I can see you've got your big pants on today*". Witness D stated this resulted in an audible gasp from some of the staff, albeit the head cook laughed and was not upset about it.
- Witness B, who stated Mr Scott would often make comments about her, and other staff members' personal appearance, including:
 - On one particular morning, he commented that her hair looked different.
 - She heard him make similar comments to Witness C, for example "*you've put your make-up on today*".
 - On one occasion, Mr Scott commented that Witness B had "*old lady hands*". In oral evidence, Witness B stated that this particularly bothered her and made her very conscious of her hands and caused her to worry about how they looked.
 - A comment in relation Staff Member 9 about her being content and putting on weight after she got married.
- Witness F, who referred to Mr Scott addressing staff using terms such as "*that pretty one*" or "*the good looking one*", rather than by their names.

On one occasion, she recounted that Mr Scott said to her, words to the effect of, "*you normally wear longer things, your skirt is short today*".

In oral evidence, she confirmed that this comment was made in the presence of children.

On another occasion, Witness F recalled Mr Scott enquiring, as she was walking past him, if she was 'OK' and adding, "because you've lost a lot of weight". Witness F stated this incident made her feel really uncomfortable and awkward and it was said in her classroom when other staff and children were around. In oral evidence, Witness F stated that she had been talking to Mr Scott about a work-related matter at the time. As such, she stated there was no context or reason for

such a remark to be made. Insofar as Mr Scott had suggested this comment was made in the context of a health-related issue, Witness F refuted that.

- Witness C, who similarly stated that she witnessed Mr Scott referring to other staff members using terms such as "*the pretty one*", "*the blond one*" and describing them as attractive. Witness C provided some specific examples of this. Witness C also asserted that, on what she described as frequent occasions, Mr Scott would comment about her make-up and hair.
- Witness C also gave evidence about a specific occasion when she had a conversation with Mr Scott, about another member of staff, when he made a comment to the effect that the staff member could do better than her boyfriend because she was attractive. Witness C stated: "*I got the impression that was how Mr Scott categorised women, based on whether they were attractive or not.*"
- Witness E, who referred to an occasion when Mr Scott described Staff Member C as, [redacted]
- Staff Member 9, who referred to the following incident:

"The first comment was when I was standing by the photocopier in the hallway and Mr Scott made a comment to me like [redacted]. ... afterwards it did bother me as I started to think 'have I?'. ... A few days or a week later, I had gone to see Mr Scott to get him to sign a trip letter and he mentioned what he had said to me, saying something like "you know when I told you the other day you have let yourself go, I didn't mean that'. He went on to tell me that he had had a dream about me, and that in the dream I hadn't let myself go at all, that "in fact you were dressing very nicely and also your breasts had got larger"."

Staff Member 9 referred to another occasion when Mr Scott asked her if she was catching a train that day and stated, "*I'm gutted I can't get it tonight as I'll miss out on seeing you in lycra*". Staff Member 9 also stated that Mr Scott referred to a nursery staff member as, "*the pretty one*".

- Staff Member 8 stated that Mr Scott would often comment on women's figures and women's clothing. Staff Member 8 referred to two particular incidents involving her, stating: "*I remember one time when I had a T-shirt and a matching cardigan on, and Mr Scott was looking at it and said, "I like the way you've got the vertical stripes". I felt like a piece of meat.*"

and

"One day I was carrying dinosaur pictures and Mr Scott was looking so I said "What is it? What are you looking at?". He said something like "I'm distracted you have pictures of dinosaurs on your breasts". I just left after he said this."

Mr Scott admitted making only some of these comments as particularised in the Schedule, namely:

- Referring to female members of staff as the “*pretty one*”, the “*good looking one*” and “*the blond one*”. Mr Scott accepted using such terms, but in the context of difficulties he was experiencing in recalling the names of staff. He stated that such comments were made to try to trigger a response from the person he was talking to with reference to the person he would be thinking of.
- Commenting that a member of staff was “*attractive*” in response to Witness C telling him about a health issue the staff member was having. Mr Scott accepted that he might have made such a comment but in the same context as outlined in the bullet point above.
- Commenting on whether staff had done their hair and/or make-up and/or on what they were wearing. Mr Scott stated that he would do so only in an attempt to be complimentary and positive.
- Referring to a staff member as [redacted] Once more, Mr Scott stated this was purely a consequence of his inability to remember the individual's name.
- Making a comment about the length of Witness F's skirt. Mr Scott stated this was only an observation and he was not trying to be funny or intending to be offensive.
- Asking Witness F if she was OK because she had “*lost a lot of weight*”. Mr Scott's evidence was that this was a result of a genuine concern on his part about Witness F's wellbeing.
- Telling Staff Member 9, “*I'm gutted I can't get [the train] tonight as I'll miss out on seeing you in lycra*”. Mr Scott stated that this was a comment made in jest in circumstances where he had a good relationship with Staff Member 9 and they had a shared sense of humour. It was not intended to be improper.
- Telling Witness B she had “*old lady hands*”. Having heard Witness B's evidence, Mr Scott apologised for making this comment and accepted it was unbecoming. Mr Scott therefore admitted that this was inappropriate and unprofessional and therefore admitted this aspect of allegation 1(a).

Mr Scott denied or could not recall making the remaining comments set out in the Schedule with the exception of the comment regarding the [redacted].

In relation to this incident, Mr Scott accepted that he did make a comment in which he used the phrase 'big pants', but in a different context to that alleged. Mr Scott stated he was referring to [redacted] and not to her actually wearing 'big pants'.

As a starting point, the panel accepted Mr Scott's admissions, which were consistent with the evidence from the TRA's witnesses, it therefore concluded that he did make each of the admitted comments, to these staff members, which were very clearly related to their appearance. The one exception concerned Witness F, whereby the Schedule alluded to an alleged comment by Mr Scott to the effect that she looked "*lovely*". In fact, this was not addressed in Witness F's evidence, either to the panel or to the School, and this alleged comment was disregarded.

In relation to the comments Mr Scott did not accept making, numbers iii, ix, x, xii and xiii in the Schedule, on balance, the panel concluded that he also made these comments for the following reasons in particular.

Having carefully considered the evidence before it, the panel had regard to the fact that there was a clear pattern and a correlation between the accounts from the TRA witnesses.

In some respects, those accounts were supported by Mr Scott in that he admitted making certain comments.

It followed that such comments, whatever Mr Scott's motives and intentions may have been, became commonplace. It was not surprising, against that backdrop, that Mr Scott did not remember each and every comment that he made.

To the contrary, it was apparent that these comments, and Mr Scott's behaviour more generally, had left an indelible mark on many individuals. They were able to recall, with some clarity, these events and their evidence was supported by the more contemporaneous accounts they gave at the time of the School's investigation.

The panel concluded that all of the TRA's witnesses were credible. They gave clear and persuasive evidence. On the whole, they were notably fair and measured in their accounts.

Whilst there was some evidence of discussions having occurred between staff members regarding Mr Scott's behaviour, at the time of these events, this was to have been expected. The panel considered this fell a long way short of collusion. The panel concluded they were all truthful witnesses who did their best to assist. There was no evidence that they were improperly motivated and there was no plausible explanation as to why these individuals would seek to fabricate these incidents.

For these reasons, their evidence was accepted and preferred to Mr Scott's evidence insofar as he denied making certain of these comments. Whilst the panel took account of the passage of time and the impact that would have had on these individuals' memories, these were clearly very vivid occasions. The consistency between each witnesses' account, as regards the nature of the comments regularly made by Mr Scott, was a highly

persuasive factor as was the fact that Mr Scott accepted making some of these comments.

The panel therefore concluded, on the balance of probabilities, that all of the comments particularised in the Schedule were made by Mr Scott and it found particular 1(a) proved.

The panel went on to consider whether these comments were unprofessional and/or inappropriate. It concluded that they were, both individually and also collectively.

None of these comments should have been made in a school setting. The comments referencing the looks or attractiveness of staff members were objectifying and unnecessary. Other comments had the potential to offend and cause upset. In relation to comments viii and ix they clearly had that effect, even if that may not have been Mr Scott's intention. Certain comments were highly inappropriate in and of themselves, particularly comments v, x and xii.

In arriving at this conclusion, the panel also took account of the wider context, whereby the frequency of such comments led to certain staff members coming to expect such behaviour to the extent that they took steps to avoid Mr Scott. Accordingly, these comments were unprofessional and inappropriate because of the cumulative effect of this behaviour and the environment each of these comments helped to create.

The panel therefore found allegation 1(a) proved on the specific basis set out.

b. Made comments to one or more female members of staff in relation to pregnancy, by making one or more of the comments set out in the attached schedule;

The panel heard evidence from a number of witnesses in relation to various comments, alleged to have been made by Mr Scott relating to pregnancy, to or about female staff members.

One such incident concerned Witness G, who was pregnant at the time, when Mr Scott was alleged to have stated she was behaving in a particular way “[redacted]”.

Witness B was present for the incident and stated that she considered Mr Scott's comment as one that questioned Witness G's professional judgment in the [redacted].

Witness A stated that in relation to another individual, Staff Member C, she told Witness A about a conversation with Mr Scott about a planned caesarean. In response to this, Staff Member C told Witness A that Mr Scott made a remark about how, “[redacted]”.

Witness F and Staff Member 9 also stated in their evidence that Staff Member C told them about this conversation and relayed how upset she had been about it.

Witness C gave evidence about an incident when Mr Scott spoke to her shortly after her [redacted], when he made a comment to the effect of:

“Obviously you’ve just had your [redacted]”

Witness C explained that this upset her, [redacted]. The next day, she went to see Mr Scott and told him that his comment had made her feel uncomfortable.

Witness F was also present during this incident and corroborated Witness C's account. In oral evidence, she stated that it made her feel awkward, in part because neither of them had previously been approached about this issue and Witness C [redacted]. Witness F also said that the comment was very likely to be distressing given Witness C's personal circumstances. She confirmed that she was left feeling annoyed and angry by this incident.

Witness C also referred to an occasion involving another member of staff, who no longer works at the School, [redacted].

In her evidence to the panel, Witness G stated that she was also made aware of this incident by the staff member in question.

Witness G also referred to an occasion when Mr Scott informed a colleague of Witness G's [redacted] without her permission.

Witness G was additionally informed, by Witness B, of the occasion when Mr Scott was alleged to have referred to behaving in a particular way because she was "[redacted]". She explained that, shortly before this, around mid-March or the beginning of April 2019, she had spoken to Mr Scott about issues involving a pupil at the School, Pupil D, when she was quite assertive and appeared to annoy Mr Scott. She stated:

"Later in the day I found out that he had said to my Assistant Head and Deputy Head that I was [redacted]. [Witness B] told me this as she is a friend as well as a colleague and thought it was really rude he had said this. It might seem like a silly thing to get upset about but it did upset me at the time because I am quite professional and I want to do my very best – it is always a worry [redacted] that you might be seen as not being as good as a teacher and I didn't want that to happen. I was professional and so I was very annoyed when I heard Mr Scott had said that."

Staff Member 9 stated in her evidence that there were several times when Mr Scott made comments to her about [redacted].

Staff Member 9 referred to one particular incident when Mr Scott came into her classroom and stated that another staff member, during the course of a performance

management review, had told him [redacted] telephoned that staff member after school, she denied making such a comment.

Mr Scott initially accepted making only one of the comments, as particularised in the Schedule, about pregnancy to or about female staff members, namely in relation to Witness G [redacted]. He accepted that he did state, during a meeting, that she was behaving in a particular way “[redacted]”

In the context in which this comment was made, Mr Scott also, initially, denied that it was inappropriate or unprofessional.

However, in his oral evidence Mr Scott accepted, on reflection, that this was not an appropriate thing to say. He therefore accepted allegation 1(b) in its entirety in relation to this comment.

In oral evidence, Mr Scott also admitted making the following comments:

- [redacted]. Mr Scott stated that he did not consider such comments to be insensitive and they were made in a manner he described as sensitive.
- During a discussion with Witness F and Witness C, telling the latter that, as she had had [redacted] Witness F. Mr Scott said that he also considered he was behaving sensitively in this incident and was trying to 'sound this issue out'.

Mr Scott denied or could not recall making any of the other comments particularised in the Schedule.

As a starting point, the panel accepted Mr Scott's admissions in relation to this allegation. They were consistent with the evidence from the TRA's witnesses. The panel therefore concluded that he did make each of the admitted comments, to these staff members, which were very clearly related to pregnancy.

The panel next considered the comments Mr Scott did not accept making, numbers iv and v in the Schedule. These concerned Staff Member C and Staff Member E.

The panel did not hear oral evidence from either of these staff members.

Further, they had not provided accounts during the course of the School's investigation. It followed that the panel was reliant solely on the accounts of witnesses who had spoken to these staff members at the time. The panel had no reason to doubt that the witnesses who addressed this provided their accounts accurately and faithfully. Nonetheless, this was second-hand evidence. No-one else was present when Mr Scott was alleged to have made these comments.

In the absence of Staff Member C and Staff Member E, the panel and, more importantly, Mr Scott were unable to test this evidence. The panel was unable to form a view as to its reliability. It had not been tested previously. The panel therefore decided it was unable to place any weight upon the hearsay evidence of these staff members.

On balance and for these reasons, the panel was not satisfied that the TRA had proved, to the requisite standard, that Mr Scott had made these comments.

In relation to the admitted comments, the panel went on to consider whether they were inappropriate and/or unprofessional. It concluded that they were.

In overarching terms, the panel did not consider that it was appropriate [redacted] even if that was not Mr Scott's intent.

The panel considered comment ii. to be particularly insensitive. The manner in which this topic was raised, unprompted and without notice, was inappropriate and had the potential to cause Witness C and Witness F to feel upset, which they clearly did. To raise this issue, in front of another colleague, when Witness C had given no indication of her intentions and [redacted], was certainly unprofessional in the view of the panel.

In relation to comment iv, which Mr Scott himself accepted was inappropriate, the panel considered this to be derogatory and demeaning as well as being inappropriate and unprofessional. Whether or not Mr Scott intended it as such, the inference was that Witness G had allowed her decisions and actions [redacted].

The panel therefore found allegation 1(b) proved on the specific basis set out.

c. Made comments to one or more female members of staff of a suggestive and/or sexual nature, by making one or more of the comments set out in the attached schedule;

The panel heard evidence from a number of witnesses in relation to various comments, alleged to have been made by Mr Scott, which were said to be of a suggestive or sexual nature.

Witness B gave evidence about an incident that happened in early 2019, [redacted]. Witness B stated that Ms Scott came to her office and said "*if you're struggling I'm happy to rub your chest*", before walking out briefly then returning and adding, "*it is a genuine offer*".

Witness B confirmed that the comment was made in a light-hearted way; Mr Scott smiled as he said it and "*kind of half-laughed*". Witness B stated she did not say anything in response and laughed the incident off, because she was embarrassed and felt uncomfortable.

Witness A gave evidence about a comment that was made at a time when the School was changing from a paper-based to an electronic safeguarding system. She recalled going to see Mr Scott in his office with a query about the new system, in response to which he made a comment about her being a "virgin", with specific reference to her familiarity with that system. Witness A stated she considered this to be a derogatory comment and challenged Mr Scott about it, querying whether he would have made such a comment [redacted]. She confirmed that after this, Mr Scott made no other comments to her of a similar nature.

Witness C gave evidence about an incident that occurred during Mr Scott's first year at the School during the staff Christmas lunch. Witness C [redacted]. She stated that Mr Scott responded by stating, "*does it mean he has a big something else then*".

Witness C commented that this sort of 'innuendo' became typical. In oral evidence, she stated that such comments became a regular aspect of her interactions with Mr Scott. She described the comments as misogynistic and suggested the cumulative effect of this behaviour, ultimately, wore her down.

Over and above the evidence from Staff Member 9 set out in allegation 1(a) above, which included reference to a dream Mr Scott told Staff Member 9 he had about her, Staff Member 9 addressed an incident that occurred around February 2019. Specifically, she had agreed to take guinea pigs into Witness A classroom. Staff Member 9 stated that whilst she was sitting in the middle of group circle, holding the guinea pigs to her, Mr Scott entered the room, stood with Witness A and stated words to the effect of:

"They're a nice pair of guinea pigs, I'd like to give them a squeeze."

In addition, she stated that there were several occasions when Mr Scott made comments to her about [redacted]. In the Schedule, these comments were wrongly attributed to Witness C as the suggested recipient.

In Staff Member 8's evidence to the panel, she addressed a number of incidents when she asserted Mr Scott made several comments to her that were alleged to be of a suggestive or sexual nature. Specifically:

- During Mr Scott's first year, around springtime, she went to see Mr Scott to ask him what she needed to do to get onto the upper pay scale (UPS). Mr Scott was her performance manager. Staff Member 9 provided the following account of their discussion, which she stated took place in Mr Scott's office with the door closed:

"... he said "Well it would be a really good idea to get me to notice you". He paused and I was expecting him to go on to tell me what sort of projects or things I could do, but he continued by saying "Seeing you in your underwear would be a really good start". I was so embarrassed. You always think 'I wonder what I will

say in those situations' and I didn't say anything. I was so mortified I went bright red and I left very quickly afterwards."

In oral evidence, Staff Member 8 provided further context to this discussion and how she perceived this interaction, describing Mr Scott's comment as "*dangerous*" in the workplace.

- On another occasion that same year, when she commented to Mr Scott about a particularly challenging child becoming close or attached to her, Mr Scott said, "*he's not the only one*". When asked about this in oral evidence, Staff Member 8 was very clear that Mr Scott was alluding to himself in this context.
- During a discussion about a male teacher, Staff Member 8 commented that she had a positive relationship with him, clarifying that she really enjoyed working with this individual. In response, Staff Member 8 stated that Mr Scott made a comment to the effect of, "*I'm actually glad you clarified that because I'd be jealous if you were going out or with someone else at work because I find you very intriguing*".
- Staff Member 8 stated Mr Scott made several comments to the effect that he had a shrine to her in his bedroom.
- In response to another staff member making reference to Staff Member 8 having more of a 'wild side', in the context of staff participation in a poetry reading, Mr Scott made a comment to the effect of, "*well [Staff Member 8] I think about your wild side quite a bit*".
- Following an incident when a pupil swept books from a desk and one hit her near the eye and she reported it to Mr Scott, he made a comment to the effect of, "*don't worry, I'm here to offer tender kisses*".

Once again, Mr Scott accepted making some of these comments as particularised in the Schedule.

Initially, Mr Scott denied, in context, that they were in any way suggestive, of a sexual nature or otherwise unprofessional or inappropriate. However, Mr Scott made some concessions during the course of his evidence, which are addressed below.

The admitted comments were as follows:

- Telling Witness B "*if you're struggling, I'm happy to rub your chest*" and commenting that it "*was a genuine offer*". Mr Scott stated that this comment was made to someone he regarded as a close friend as well as a colleague. However, in oral evidence, on reflection, he accepted that this was suggestive, was not appropriate and could have caused offence.

- A comment about Witness A being a “*virgin*” when she came to him with a query about using the electronic safeguarding system. Mr Scott stated that this was a genuine comment and there was no suggestive element. He disputed Witness A suggestion that she took issue with this at the time.
- Commenting to Witness A “*they’re a nice pair of guinea pigs, I’d like to give them a squeeze*”, when Staff Member 9 was holding guinea pigs to her chest. In his evidence to the panel, Mr Scott accepted that this could have been interpreted as inappropriate and insensitive, even though that was not his intention at the time.
- Telling Staff Member 8 “*don’t worry, I’m here to offer tender kisses*”, in response to her reporting that she had been injured. Mr Scott stated that this comment was made in the context of a genuine query about her wellbeing and he was not being flippant.

The panel accepted Mr Scott's admissions, which were consistent with the evidence from the TRA's witnesses. It therefore concluded that he did make each of the admitted comments. The panel was also satisfied that these were suggestive and/or of a sexual nature.

In relation to the remaining comments, those numbered iii, iv and vi to x, Mr Scott denied or could not recall making any of these comments.

Having carefully considered the evidence, on balance, the panel concluded that he did make them.

To that extent, the panel preferred the accounts of the TRA's witnesses, as summarised above, to Mr Scott's evidence. The panel repeats its comments above, in allegation 1(a), in relation to the panel's view as to the credibility of the TRA's witnesses.

In short, there was a clear consistency in the respective accounts and a clear pattern, whereby comments of this nature became commonplace. The panel had in mind that several of these denied comments related to Staff Member 8 and Mr Scott denied not just making such comments but also suggested they were not consistent with how he believed he conducted himself. He also made that point with reference to other allegations.

However, the panel ultimately accepted Staff Member 8's evidence to that of Mr Scott. Even accounting for the passage of time, the panel recognised that the nature of these comments would be memorable for the recipient and less likely to be forgotten. Furthermore, the panel was presented with the contemporaneous notes of Staff Member 8's investigation interview in which it was clear that Staff Member 8 had raised these matters at the time.

As with the other witnesses, having regard to the degree of correlation and the consistency between the respective accounts, the panel could conceive of no plausible explanation as to why Staff Member 9 would seek to fabricate these incidents, having in mind that in certain respects Mr Scott himself did not challenge her evidence.

Having concluded that each of these comments were made and that they were all suggestive and/or of a sexual nature, the panel went on to consider whether they were inappropriate and unprofessional and concluded that they were, with the exception of comment i in the Schedule.

In relation to that comment, the panel was prepared to give Mr Scott the benefit of the doubt. It did not consider that the use of the word 'virgin', in that specific context, was necessarily inappropriate or unprofessional, even though it may have been interpreted as such. The panel did consider this was an instance of careless use of language. However, it concluded it was generally acceptable to use that the term in the context of an individual being new to a particular issue or task, for example, and was unlikely to cause particular offence, in isolation.

In relation to the remaining comments, even if not intended to cause offence, they had no place in a school environment. Some were made in the presence of staff and pupils. Others had obvious sexual connotations and had the potential to cause offence and to make the recipients feel uncomfortable or embarrassed, which they clearly did in some instances. For example, in relation to comment iv, this was addressing a very private issue which Mr Scott should not have been attempting to treat flippantly.

The comments concerning Staff Member 8 were particularly egregious, some in and of themselves but also when considered in totality having regard to the potential impact of what amounted to a pattern of behaviour towards her.

The panel also repeats its comments in allegation 1(a), whereby comments of this nature facilitated a potentially hostile environment where female staff members were regularly subjected to such comments, on an ongoing basis, such that there was a cumulative effect.

The panel therefore found allegation 1(c) proved on the specific basis set out.

d. Made comments referring to others in a derogatory way, by making one or more of the comments set out in the attached schedule;

It was alleged that Mr Scott made a number of derogatory comments.

Witness E gave evidence that she witnessed Mr Scott make a comment about people being, "*on the spectrum bus*" on more than one occasion.

In terms of the occasion involving the [redacted], particularised in the Schedule, Witness E confirmed this staff member had been to see Mr Scott. She stated that, afterwards, when Mr Scott was telling her about their meeting, he said "*you know what [he's] like, he's on the spectrum bus*". Witness E stated she could recall the same comment being made by Mr Scott about a member of the Trust's team.

In addition, Witness E stated that a member of [redacted] was upset on another occasion following a comment made by Mr Scott [redacted] at the School. The pupil had been invited, with others, to sit with Mr Scott for lunch at the School as part of a 'golden table' reward initiative. Witness E stated that Mr Scott had mentioned this and then made a 'jokey' comment about the child being "*a bit mad*", which she said the parent was upset about.

Witness C stated that Mr Scott also referred to a candidate for a position at the School as being "*on the special bus*". She added that Mr Scott proceeded to make a comment about Witness E, who had been mentioned as part of the conversation, by saying that she was "*on that bus too*".

Witness C also referred to another occasion when a comment was made about a member of staff at the School who had [redacted]. [redacted]. Witness C gave evidence that Mr Scott made a comment, during a staff meeting, [redacted].

In oral evidence, Witness C stated that staff responded by laughing awkwardly and she felt "*stunned*" that Mr Scott had considered it appropriate to make such a comment, with no regard for how it may make colleagues feel.

Sometime after Christmas 2018, Witness C stated she also attended staff leaving drinks when Mr Scott made another comment. In relation to Staff Member 9 potentially moving to her team from Staff Member 8's team, Witness C stated that Mr Scott said, "*yeah we need to get her away from that fucking bitch*".

Staff Member 9 gave evidence about an occasion when Mr Scott [redacted] which Staff Member 9 found offensive. Staff Member 9 added that even after it was pointed out to Mr Scott [redacted].

Finally, Witness G addressed an incident when Mr Scott made a comment to the effect that he was, "*not used to teaching children like this*" and "*I'm used to teaching white middle class children that are like sponges*". Witness G stated that this followed Mr Scott teaching a group of lower ability pupils.

Mr Scott accepted making some of these comments, which were particularised in the Schedule. Whilst Mr Scott initially denied that any of these comments were derogatory, he subsequently accepted that some could have been interpreted as such.

The comments Mr Scott accepted making were:

- Commenting to Witness E that the [redacted] Mr Scott stated that this was not meant in a derogatory way and was made in reference to particular traits he had observed in this staff member, which he expanded upon. However, Mr Scott stated that he now recognised this was not an appropriate thing to say, even if it was not his intention to cause offence or to belittle this individual.
- Referring to a child as "*a bit mad*". Mr Scott provided further context to this and stated that when he made the comment, the parent in question understood the context in which it was said. Accordingly, Mr Scott did not accept Witness E's suggestion that the parent was upset.
- In a staff meeting, saying that a staff member [redacted]. Mr Scott stated he had a very positive relationship with these staff members and felt he could make this joke because of how well he knew them. He now accepted that it was not an appropriate comment to make.
- With reference to moving Staff Member 9 away from Staff Member 8's team, "*yeah we need to get her away from that fucking bitch*". However, Mr Scott suggested that this was not said during staff leaving drinks to Witness C, but rather in front of his senior leadership team, when Witness C was not present. In any event, Mr Scott stated that he regretted making this comment and it was unprofessional. He described it as a spontaneous reaction against a backdrop whereby Staff Member 8's behaviour towards Staff Member 9 had resulted in the latter being upset on several occasions.
- [redacted] Mr Scott stated that this was a consequence of his inability to recall the child's name and he accepted that this was an unfortunate choice of words, which was, with hindsight, inappropriate.
- Stating that he was "*not used to teaching children like this and I'm used to teaching white middle class children that are like sponges*", when taking a group of pupils of a lower ability. Mr Scott stated this was not intended as a derogatory statement but was simply an observation he made from a teaching, professional perspective. Mr Scott confirmed it was made with reference to teaching methodology. He was seeking to contrast his experience with these children with what he had experienced previously in terms of pupils' attitude to learning. He added that he loved the children at the School and worked hard to seek to get to grips with the challenges posed by the wider circumstances of the School.

The panel accepted Mr Scott's admissions, which were consistent with the evidence from the TRA's witnesses. It therefore concluded that he did make each of the admitted comments. The panel was also satisfied that these were derogatory in nature.

In relation to the remaining comments, those numbered ii, iii and iv in the Schedule, Mr Scott denied or could not recall making any of these comments.

However, it was clear from Mr Scott's own evidence that he had used the term 'spectrum bus' on at least one previous occasion. This was, therefore, clearly a term that was part of his vocabulary. To that end and having regard to the clear evidence from the witnesses in relation to these incidents, the panel was satisfied it was more likely than not that Mr Scott also made these further comments. It was also satisfied that these were derogatory.

The panel went on to consider whether they were inappropriate and unprofessional. It concluded that they were.

Whatever Mr Scott's intentions were in relation to these comments, having regard to his explanations for those he admitted, they had the potential to cause offence and were unprofessional. The phrase, "*on the spectrum bus*" and similar phrases were highly inappropriate in any context, never mind a professional teaching one. It was potentially hurtful and was reckless. Comments v, vi and vii were offensive in and of themselves.

The panel therefore found allegation 1(d) proved on the specific basis set out.

2. Made inappropriate physical contact with other staff members, by engaging in one or more of the behaviours described in the attached schedule.

Several of the TRA's witnesses gave evidence that they were subject to physical contact from Mr Scott.

Staff Member 9 gave evidence about an occasion when Mr Scott made contact with her when she was stood at a photocopier in a corridor. She stated:

"Mr Scott flicked me with his badge on the bum. I can't remember when this was. It was very much in passing but there was no way it could have been accidental as he didn't need to come anywhere near me and as it was one of those stretchy badges on elastic, he had obviously pulled the badge back to flick me. I didn't say anything to him and he just continued past me afterwards."

Staff Member 9 also alluded to the fact that Mr Scott would administer 'hugs' on a regular basis.

Most commonly, she stated this would occur when Mr Scott would approach her from the side, put his arm round her from the side and "*squeeze*" her. She added that Mr Scott would make comments to the effect of "*I know you don't like it when I hug you*", "*I know I make you cringe*" or "*you think it's like your dad hugging you*", but would do it regardless. She stated that she could not recall ever specifically saying anything to Mr Scott about not liking hugs. Nonetheless, whenever he did it, Staff Member 9 said she would naturally

'tense up' and felt uncomfortable and felt that may have been clear from her body language.

In terms of how frequently this would occur, Staff Member 9 indicated this happened fairly regularly and at least once per half-term, but certainly not every week.

Staff Member 9 asserted that she saw Mr Scott giving the same sort of side-hug to others, including Witness B. Witness B was asked about this in oral evidence and confirmed this would happen. She stated this was not something she sought but confirmed that Mr Scott would generally ask her before hugging her.

Staff Member 8 similarly confirmed that Mr Scott would hug her.

As with Staff Member 9 and Witness B, she confirmed that this generally occurred from the side.

However, Staff Member 8 added that she could recall two specific occasions when Mr Scott hugged her from the front and put his arms around her shoulders.

The first such occasion occurred in the context of a query she made about a school trip to the National Space Centre.

In relation to the second occasion, Staff Member 8 stated that she could recall Mr Scott making a comment to the effect of, "*I know you don't like to be hugged*". She confirmed she had made a comment to him previously to that effect.

Staff Member 8 stated that, after this incident, Mr Scott sent her an email which asked her to let him know when she was at the "*dizzying heights of accepting hugs*". This email was not included in evidence. However, a separate email from Mr Scott to Staff Member 8, dated 13 June 2017, in which Mr Scott stated:

"Sorry about hug!!!"

Staff Member 8 also referred to another occasion when a professional colleague, providing pupil support, visited the School and attended a meeting with her, Mr Scott and Witness D. Staff Member 8 stated that when Mr Scott entered the meeting, he hugged Staff Member 8 from behind. Staff Member 8 stated that this prompted the colleague to comment, in effect, "*you're very close here aren't you?*"

Staff Member 8 additionally addressed another occasion when she had a piece of hair on her face, which had stuck to her lip. She stated that, unprompted and uninvited, Mr Scott brushed her cheek and took the hair off her face. Staff Member 8 confirmed that this occurred in the presence of children and she responded by stating that she could have done this herself.

Witness H gave evidence about an incident when, in the early stages of Mr Scott joining the School, whilst she was standing at the door of a classroom, Mr Scott came from behind her and held her back, towards her bottom, putting his arm around her. Witness H stated:

"I didn't say anything to Mr Scott. Mr Scott didn't squeeze me, and it didn't feel as though it was done in a sexual or bad way. I certainly didn't think of it in that way, but it was very familiar and not very professional."

Mr Scott accepted:

- hugging Staff Member 8 and Staff Member 9 with his arm around them, from the side; and
- placing and/or pulling [redacted] a staff member at the School, on to his knee, at an event in or around Christmas 2018.

In relation to the latter incident, the panel was presented with photographs of the event in question and it was also addressed in the evidence from Witness C.

In light of Mr Scott's admissions, the panel found these elements proved, corresponding to particulars ii, v and viii.

The remaining elements, as particularised in the Schedule, were denied or could not be recalled by Mr Scott.

However, as in other respects, the panel preferred the evidence from Staff Member 8, Staff Member 9 and Witness H in relation to these particular incidents.

As well as the panel's views as to the reliability of their respective accounts, the panel considered that Mr Scott's denials were less than emphatic. Whilst he could not recall them specifically, these incidents were clearly in line with the type of conduct he accepted occurred. Mr Scott agreed that he was a tactile person and that he hugged staff members, for example. The panel concluded it was not surprising, in that context, that Mr Scott would not be able to recall each and every instance of physical contact, particularly when he did not think that this behaviour was untoward.

In contrast, [redacted], Staff Member 8 and Staff Member 9 were able to recall these incidents very clearly.

The panel therefore concluded that each of the instances of physical contact particularised in the Schedule did occur.

As to whether these were instances of inappropriate physical contact, the panel was not persuaded that this was established, by the TRA, in relation to particular viii. There was

no dispute that this staff member was sat on Mr Scott's knee. That was readily apparent from the photograph included in evidence.

However, there was very little information regarding the context to this. Mr Scott's actions may well have been inappropriate. Equally, it was possible they were not. The context was key and in absence of clear evidence, not least from [redacted] the panel was unable to determine matters either way.

However, in relation to all of the other incidents, the panel was satisfied that these were instances of inappropriate physical contact.

In relation to those incidents Mr Scott admitted, he also accepted, on reflection, this was not behaviour that was appropriate as a headteacher. Whilst he asserted he believed he was acting in accordance with the culture of the School, as he perceived it, with hindsight he recognised the implications of his actions in terms of personal space. He maintained that he meant no offence by his actions and did not intend to make anyone feel uncomfortable.

The panel agreed and found that, in relation to all of these incidents, as found proved, this contact was inappropriate. It was satisfied that in relation to each of these occasions, Mr Scott did not have consent from these staff members to act in this way. In relation to Staff Member 8 and Staff Member 9, they had clearly indicated that such contact was unwanted.

The panel therefore found allegation 2 proved on this basis.

3. Your behaviour as may be found proven at allegation 1 and/or 2 with respect to Staff Member 8 and/or Staff Member 9 constituted sexual harassment.

Having found allegations 1(a) to (d) and 2 proved, with specific reference to its findings that related to Staff Member 8 and Staff Member 9, the panel went on to consider whether Mr Scott's actions constituted sexual harassment.

This was denied by Mr Scott.

In their evidence to the panel, Staff Member 8 and Staff Member 9 were both asked about their interpretation of Mr Scott's behaviour towards them.

Staff Member 9 stated that the only incident that she considered to have a sexual element was when Mr Scott made contact with her when she was standing at a photocopier.

In relation to this incident and more generally, she did not feel that her dignity had been violated by anything Mr Scott said or did. She confirmed that she did not feel intimidated, degraded, humiliated or offended in any respect, whether considered as individual elements or together.

Staff Member 9 expressly confirmed that she did not consider that Mr Scott's behaviour amounted to sexual harassment.

Staff Member 9 did not allude to any longstanding effects in terms of Mr Scott's behaviour towards her. Her view of these events had not altered in terms of how she viewed Mr Scott's behaviour towards her.

In contrast to Staff Member 9, Staff Member 8 found it difficult to address the specific events to which this allegation related and was visibly emotional in recounting them, which was entirely understandable.

Staff Member 8 confirmed that she had a background in human resources and was therefore familiar with the notion of sexual harassment.

Staff Member 8 stated that she did not consider Mr Scott's behaviour towards her to be sexual *per se*, but it did make her feel uncomfortable.

Over and above the comments and physical contact, Staff Member 8 described how, in the course of some of these interactions, Mr Scott was staring at her top and, as a consequence, an obvious part of her anatomy.

She stated this occurred on a least three occasions, one of which being the occasion referred to in the panel's findings in allegation 1(a), when Staff Member 8 was wearing a t-shirt and matching cardigan.

On another occasion, Staff Member 8 stated that she was wearing a top with a French word written upon it, which she said Mr Scott "*became fascinated about*" and proceeded to focus upon. Staff Member 8 confirmed that such behaviour led her to feel objectified.

In relation to the physical contact, Staff Member 8 stated that she did not want Mr Scott to hug her, for example, and she could not think of anything she had done that would make Mr Scott feel it was welcomed by her. Accordingly, it was not contact she had consented to.

With particular reference to the issue of whether she felt her dignity had been violated, Staff Member 8 considered it had with reference to Mr Scott's behaviour in terms of his comments about her clothes and breasts. In response to a specific question as to whether she felt intimidated, degraded, humiliated or offended, Staff Member 8 said she "*thought so*".

In response to being directly asked whether she considered Mr Scott's behaviour amounted to sexual harassment, Staff Member 8 did not answer with 'yes' or 'no'. Rather, she stated that she had never used that term. When pressed as to whether this was because she felt the behaviour towards her fell short of that description, she repeated the same phrase, said she had never said that and that to do so would "*elevate*" it. She

acknowledged that she had found processing these events very "*difficult*" and "*horrible*", particularly the occasion when she spoke to Mr Scott about her desire to progress to the upper pay scale.

In relation to both staff members, the panel was satisfied that Mr Scott's behaviour was unwanted, unwelcome and uninvited in various respects, particularly the physical contact.

Similarly, this was behaviour of a sexual nature. Considered in totality, it included:

- Sexual comments or jokes.
- Suggestive looks and staring.
- Intrusive questions about a person's private or sex life.
- Unwelcome touching or hugging.

In relation to both individuals, the panel was not satisfied that Mr Scott's purpose was to violate the dignity of either staff member or to create an intimidating, hostile, degrading, humiliating or offensive environment for them.

The panel therefore went on to consider the effect of this proven conduct.

Having regard to Staff Member 9's evidence and her clear perception and view of these events, which the panel considered to be very apparent from her account, the panel was not satisfied that Mr Scott's actions had the effect of violating her dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her.

For these reasons, the panel did not conclude that Mr Scott's behaviour in relation to Staff Member 9 amounted to sexual harassment.

However, in relation to Staff Member 8, it found that Mr Scott's actions towards her did amount to sexual harassment.

In particular, whilst Staff Member 8 had understandable difficulty expressing and articulating her view of these events, the panel was satisfied that her dignity had been violated as a consequence of Mr Scott's conduct towards her.

It was also satisfied that Mr Scott's actions, particularly when considered in totality, created an intimidating, degrading, humiliating and offensive environment for her.

The panel therefore found allegation 3 proved in relation to Staff Member 8.

4. Failed to carry out your safeguarding responsibilities as Headteacher and Designated Safeguarding Lead, adequately or at all, on one or more occasions, in that you;

- a. Failed to acknowledge and/or deal in a timely and/or appropriate manner with concerns reported either directly to you or via the School's safeguarding system, including but not limited to the incident relating to Pupil A and Individual E in March 2019;**
- b. Failed to feedback, adequately or at all, to members of staff in relation to any actions taken to deal with safeguarding concerns, including but not limited to the incident relating to Pupil A and Individual E in March 2019.**

The panel considered allegations 4(a) and (b) together.

The panel was presented with accounts from several witnesses alluding to concerns they had had about Mr Scott's approach, in broad terms, to safeguarding.

The panel was notified that the School operated an electronic safeguarding system, called 'Safeguard'.

It was also provided with a copy of the School's safeguarding policy.

Mr Scott was the School's designated safeguarding lead (DSL) with overall responsibility for safeguarding.

However, it was confirmed that, at the time, there was a team approach whereby safeguarding concerns about certain children and/or families would be dealt with by an allocated member of the core safeguarding team. This consisted of Mr Scott, Witness D, Witness B and Witness H.

One specific issue that arose in evidence was whether Mr Scott was reading reports posted, by staff, to Safeguard.

Witness F stated, for example, that whilst she would regularly get emails notifying her that Witness D and Witness B had read information she had added to the system, she very rarely got any emails confirming that Mr Scott had read the information. This criticism was repeated by several other witnesses.

Similarly, it was suggested that when staff would speak to Mr Scott about issues that had been recorded, he appeared to have no knowledge of them.

Such concerns were directed at Mr Scott's approach to safeguarding in general terms.

Accordingly, rather than being linked to specific concerns or incidents, there were various, overarching criticisms of Mr Scott's approach to safeguarding.

It was apparent that these views were genuinely held by the individuals concerned. However, they were not directly relevant to a specific allegation, as opposed to being relevant contextually.

There were also some references to some specific concerns.

Witness G, for example, alluded to a particular concern in relation to one of her pupils, Pupil D. Witness G gave powerful evidence in relation to this pupil and the concerns she had.

However, with this and other examples referred to in evidence, the panel considered there was insufficient evidence, regarding this pupil's precise circumstances, to allow it to arrive at an informed view as to whether Mr Scott fell short of the safeguarding responsibilities upon him as a headteacher.

All of this evidence, addressing Mr Scott's approach to safeguarding in general terms was, therefore, broadly relevant contextually. However, it did not lead the panel to a position where it could make clear and definitive findings in relation to Mr Scott's conduct other than in relation to the pleaded incident involving Pupil A.

In that regard, the panel was presented with clear and extensive evidence in relation to the incident involving Pupil A and Individual E on the afternoon of Friday, 22 March 2019.

Individual E was a teaching assistant engaged on an agency basis. It was apparent that he had been engaged at the School in different roles at different times. At this particular point in time, he had been tasked with working with Pupil A on a 1-2-1 basis.

The panel was presented with a video recording of an incident when Individual E made physical contact with Pupil A. Staff Member 9 provided context to this, in terms of the concerns that arose in relation to Individual E and the reasons for the recording being taken.

There was no dispute that:

- Having taken the recording at some point prior to lunchtime, the matter was brought to the attention of Witness D that afternoon.
- Witness D contacted Mr Scott, who was not at the School that day but was at a different school in the locality. That contact was initially via a text message but they subsequently spoke by telephone.
- Mr Scott returned to the School but did not speak with Staff Member 9 and nor did he view the video recording. Mr Scott's position was that he tried to do so.
- The following Monday, 25 March 2019, Individual E was allowed to continue to work with Pupil A.

- There was no immediate referral to LADO.
- At some stage, Mr Scott requested that the recording be deleted.

In oral evidence, Mr Scott accepted, with hindsight, his decision to allow Individual E to continue to work with Pupil A, on Monday 25 March 2019, was an error of judgment.

He provided context to his decision-making at the time, whilst accepting that he had got this wrong. To that limited extent, Mr Scott accepted that he failed to deal with this incident in an appropriate manner. The allegation was otherwise denied.

There was a conflict of evidence in relation to precisely what happened on the afternoon of 22 March 2019 and when and how a LADO referral was made.

However, having carefully considered the evidence before it, particularly the evidence from Witness A and her contemporaneous notes from this time, the panel concluded, on balance, that Mr Scott did not make any referral to LADO prior to Wednesday, 27 March 2019 at the earliest.

Mr Scott had a clear duty to deal with this incident in an appropriate and timely manner given his role as headteacher and DSL. It raised obvious safeguarding concerns in terms of this pupil.

The panel was satisfied that Mr Scott had failed to undertake his duties in two clear respects.

Firstly, given the nature of this incident, he should not have allowed Individual E to work with Pupil A the following working day.

Secondly, he should have notified the LADO on Monday, 22 March 2019 at the very latest and did not do so.

Both of these steps were requirements of the School's safeguarding policy.

The panel was also satisfied that, Mr Scott failed to adequately carry out his safeguarding responsibilities as headteacher and DSL in these respects.

It therefore found allegation 4(a) proved.

In relation to allegation 4(b), it was clear that Mr Scott was not as forthcoming as staff would have liked him to have been in terms of feeding back information.

That was certainly the view of Staff Member 9, who stated that she never received any feedback about what had been done from Mr Scott.

However, at some point Witness D did meet with Staff Member 9 and confirmed to her this incident had been referred to the LADO.

In any event, even if the staff were correct in asserting that Mr Scott should have been more forthcoming, the panel was not satisfied that the TRA had proved, to the requisite standard, that his actions were such that he failed to carry out his safeguarding responsibilities as headteacher and DSL in terms of reporting back to staff.

The panel therefore found allegation 4(b) not proved.

- 5. Failed, without reasonable excuse, to carry out your professional duties as Headteacher on one or more occasions, in that you;**
- a. Informed other members of the Senior Leadership Team that you would not be coming into school when it was snowing on an occasion in or around February 2018, without any regard for how decisions about the management of the school would be made in your absence;**

The panel heard evidence about an occasion in February 2018, when adverse weather conditions led to a scenario when a decision had to be made as to whether the School should close.

Those conditions, involving heavy snow, prevented Mr Scott from attending school himself.

Witness E stated:

"In the morning Mr Scott literally just messaged and said the snow was really bad so he wasn't coming in. He didn't even think about the need to make decisions about the safety of staff and children. Myself, the Deputy and Assistant discussed and made decisions about what would happen instead. Initially we decided to allow school to open but the snow got a lot heavier and Nigel decided to close the school at about 8.30am."

However, this account was not entirely aligned with the evidence from Witness D.

Witness D did allude to some difficulties getting hold of Mr Scott, certainly initially.

However, in his oral evidence, Witness D confirmed he did speak with Mr Scott that morning and they did discuss matters. This particular incident was not addressed in Witness D written statement or his investigation interview and he was unable, given the passage of time, to give a great deal of detail about what, precisely happened.

Accordingly, whilst it was clear that staff, including Witness E and Witness C, were unhappy with Mr Scott's actions on this particular day, the evidence as a whole was not indicative of the fact that Mr Scott abdicated all responsibility for decision-making. It was clear that he had some involvement and it appeared that Witness E may not have been aware of all that occurred.

For his part, Mr Scott asserted that he was fully involved, albeit from a distance, and was reliant on information from those 'on the ground' prior to making a decision, which was ultimately one he made.

In all the circumstances, the panel was not persuaded, on balance, that Mr Scott had no regard whatsoever for how decisions about the management of the School would be made in his absence. It was similarly unpersuaded, having regard to the stem of this allegation, that Mr Scott's behaviour was such that he failed to carry out his professional duties.

For these reasons, the panel therefore found allegation 5(a) not proved.

b. Failed to plan for and/or attend a staff inset/training day at the beginning of the 2018/19 academic year, despite having previously arranged this to accommodate other plans you had made around the October half-term.

There was no doubt that Mr Scott was not present for an arranged staff inset day scheduled for the very beginning of the September 2018/2019.

Witness D described this a "*tipping point*" in terms of his relationship with Mr Scott, whereby he was absent for the day in question to accommodate a pre-arranged holiday.

Witness D stated that Mr Scott had mentioned this issue to him many months beforehand, in response to which Witness D said that Mr Scott would have "*plenty of time to change it*".

However, during the course of the summer holiday, it became apparent to Witness D that Mr Scott had not done so. Witness D stated that Mr Scott emailed him, Witness B and [redacted] to alert them that he would not be present for the inset day. Mr Scott also suggested keeping the precise reason from staff. Witness D stated:

"I was annoyed as he had just booked a holiday and left us to pick up the pieces. A lot of things needed to be put in place for that day, dealing with new starters for example, and it was clear that none of that was going to be done by him. Myself and [redacted] had a full meeting in school to plan the inset day but didn't hear anything from Mr Scott. The day after the inset day he just turned up as if nothing had happened. He didn't apologise or thank us."

Witness E indicated that this occurred despite the fact that the inset day had been scheduled to accommodate Mr Scott, at least in part, whereby it was originally intended it would occur around the October half-term.

Witness E stated that the first time she was made aware that Mr Scott would not be in attendance was when he emailed her and others on 3 September 2018, very shortly before the inset day itself.

In his evidence to the panel, Mr Scott did not challenge these respective accounts. He confirmed that this holiday had been booked for his honeymoon and he had sought approval from the [redacted].

However, the panel concluded that his explanation did not accord with Mr Scott's actions in notifying Witness D, Witness B and the [redacted], very shortly before the inset day itself, that he would not be in attendance. Had it been agreed and understood in the manner he now suggested, Mr Scott would have had no reason to send this email, which was included in evidence. The wording was clearly suggestive of the fact that this was a last-minute issue in terms of Mr Scott's alleged inability to change his flight.

On reflection, in any event, Mr Scott accepted that, on this occasion, he did fail to involve himself in and attend this inset day and this did amount to a failure to carry out his professional duties as headteacher.

The panel agreed. This was an important day in the school calendar and it was incumbent upon Mr Scott to be there. This was an error of judgment to the extent that he put his personal circumstances before his professional commitments, which Mr Scott admitted.

The panel therefore found allegation 5(b) proved. Mr Scott did fail to plan for and attend this inset day, despite it having been arranged, at least in part, to accommodate plans made for the subsequent October half-term.

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 Scott, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Scott 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 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 also considered whether Mr Scott's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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.

The panel found that the offence of harassment was relevant given its findings in allegation 3.

The panel first considered its findings in relation to allegations 1(a) to (d), 2 and 3, which it considered together.

As a headteacher and leader, Mr Scott had a responsibility for and a duty of care towards his staff and pupils. He was also a role model. He had clearly fallen short of his obligations and duties in this regard in relation to each of these allegations. As well as impacting upon individual staff members and referring to some pupils in a derogatory manner, his actions created a culture at the School which was unacceptable and corrosive.

In relation to Staff Member 8, Mr Scott's actions constituted sexual harassment, which was a serious matter. His actions had an obvious impact upon Staff Member 8, whether or not this was his intention.

In relation to allegation 4(a), the panel took account of the fact that this was, in the context of the allegations, a one-off failing in terms of safeguarding. However, this was a serious incident and Mr Scott had a duty to respond appropriately and in a timely manner. He failed to do so and his actions in allowing Individual E to continue to work with Pupil A were of particular concern.

Finally, in relation to allegation 5(b), the first day of the school year and an inset day was particularly important in the school calendar. By his own admission, Mr Scott had put his own interests before that of the School on this occasion. Not only did Mr Scott fail to attend but he failed to ensure that this was appropriately addressed and planned for in advance. Rather than doing so, he made colleagues aware of the position at a very late stage and even went so far as to ask them to obscure the reasons for his absence. His actions clearly impacted on his colleagues who had to cover for Mr Scott in his absence.

Accordingly, whether considered individually or together, the panel was satisfied that Mr Scott's actions amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession in relation to each of these proven allegations.

In relation to whether Mr Scott's actions were such that they may bring the profession into disrepute, 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 Scott's actions constituted conduct that may bring the profession into disrepute in relation to each of these proven allegations.

Having found the facts of particulars 1(a) to (d), 2, 3, 4(a) and 5(b) proved, the panel further found that Mr Scott'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 and other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

The panel's findings against Mr Scott involved inappropriate comments and behaviour of an inappropriate, unprofessional and derogatory nature in relation to various staff members but also, in some instances pupils. There was, accordingly, a strong public interest consideration in respect of the protection of pupils and the other members of the public.

In relation to the former issue, the panel also took into account its findings in allegation 4, whereby on one occasion Mr Scott failed to undertake his duties as headteacher and DSL in terms of safeguarding.

In relation to the protection of other members of the public, the panel also took into account its findings in relation to Staff Member 8.

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

Similarly, 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 Scott was outside that which could reasonably be tolerated.

Weighed against these matters, the panel also concluded that there was an element of public interest in retaining Mr Scott in the profession should he choose to return to teaching.

Mr Scott was an experienced practitioner who had reached the position of headteacher. He had an otherwise good record and there was some positive information about Mr Scott within the papers. His classroom competence had not been called into question through these proceedings. There was also positive evidence provided by staff members of the School. Mr Scott was clearly passionate about education and working with pupils.

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 Scott.

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 Scott.

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;
- abuse of position or trust;
- sexual misconduct;
- failure to act on evidence that indicated a child's welfare may have been at risk;
- failed in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children;
- 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.

In the light of the panel's findings, it considered the following mitigating factors were present in this case:

- Mr Scott had an otherwise unblemished record. There was no evidence that he had been subject to any previous regulatory or disciplinary proceedings.
- The panel was presented with some positive accounts about Mr Scott's character, in the written and oral evidence. However, whilst the panel was presented with some references and testimonials, it was confirmed that the individuals concerned were not aware of the full extent and nature of the allegations in this case.
- There was evidence that Mr Scott was dealing with personal challenges at the time of these events. However, whilst Mr Scott's personal circumstances may have had an impact on his actions, the panel concluded that this did not exculpate him from wrongdoing in any respect. He remained responsible for his own actions and behaviour.
- There was no evidence of any direct harm to pupils as a result of Mr Scott's actions. However, his actions in relation to allegation 4(a) posed some, albeit

limited, risk of harm for the period when Individual E was allowed to work with Pupil A after the incident had been notified to Mr Scott.

- The panel's findings were that Mr Scott was not improperly motivated. In particular, in relation to Staff Member 8, it did not find that his actions were intended to violate her dignity and to create a hostile environment, even though they had that effect.
- Mr Scott had engaged in these proceedings and attended this hearing. He admitted some of the allegations.
- Mr Scott had apologised for his actions and recognised and accepted that he had fallen short of the standards expected of him. To that extent, Mr Scott had shown regret and remorse.
- Mr Scott had shown some insight. There was clear evidence that Mr Scott understood and accepted, at least in certain respects, the inappropriate nature of his conduct. He confirmed that he had reflected on his behaviour and believed he had learned important lessons.

Weighed against these matters, the panel considered there were some aggravating factors present, including:

- Mr Scott's actions amounted to a clear breach of the Teachers' Standards.
- In relation to allegations 1 to 2, this was not an isolated breach but a pattern of behaviour. As the panel has already set out, in addition to adversely impacting on numerous individuals, which was clear from the evidence, Mr Scott's actions had a broader, corrosive effect in terms of the school environment.
- In certain instances, Mr Scott made some comments that were derogatory to pupils even if that was not Mr Scott's intent and they were not directed at the pupils.
- Allegation 3 was an instance of sexual harassment, which the panel considered to be a serious matter.
- Mr Scott was not acting under duress. It followed that his actions were deliberate. There was some evidence that Mr Scott's conduct had been raised with him by certain staff members, but their concerns had not been heeded.
- Mr Scott's actions in relation to allegation 4(a) evidenced a concern as regards his approach to safeguarding issues. His actions posed some risk of harm to a vulnerable pupil, albeit the panel was not persuaded that this risk could be categorised as high.

- Mr Scott was an experienced teacher and was in a position of trust and responsibility, as a leader, and a role model. He ought to have known what was expected of him and conducted himself accordingly.
- The panel's findings spanned a period of time and involved distinct elements. This was not an isolated episode.

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.

Having carefully considered the specific circumstances of this case and taking account of the mitigating and aggravating features present, 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 concluded that prohibition was both proportionate and appropriate. It decided that the public interest considerations outweighed the interests of Mr Scott.

The breadth of the panel's findings and its finding of sexual harassment were significant factors in forming that opinion.

Whilst Mr Scott had demonstrated some insight in relation to the panel's findings in relation to Pupil A, this was not complete. In some respects, he had taken responsibility for his actions and was clearly regretful.

With reference to allegations 1 to 3, the fact that Mr Scott did not recognise the inappropriate nature of his actions at the time was a concern.

In particular, it followed that Mr Scott believed that the comments he made and the physical conduct he engaged in, on a regular basis, were acceptable in a school environment.

Whilst Mr Scott had shown some insight in relation to this and other matters, the panel considered that his insight was emerging rather than complete. He continued to deny that certain matters were inappropriate and unprofessional when, in the view of the panel, they clearly were. Accordingly, there remained a question mark as to whether Mr Scott fully understood and appreciated the implications of his actions. There were still aspects of his account which suggested that he felt certain behaviours were acceptable because they were a consequence of his character and personality.

The panel therefore concluded that, as things presently stood, there remained a risk of repetition with particular reference to its findings in allegations 1 to 2.

To compound these concerns, the panel was presented with a safeguarding failing it regarded as serious and an instance when Mr Scott put his own interests before those of the School to an extent that amounted to a failure to carry out his professional duties.

Having considered Mr Scott's actions in totality, the panel was satisfied that Mr Scott's actions were such that 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 Scott of prohibition.

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. None of the behaviours were relevant in this case. Whilst these included serious sexual misconduct, the panel did not consider its findings fell into that category in the specific circumstances.

The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period, for the following reasons in particular.

The panel had in mind, firstly, that prohibition orders should not be given in order to be punitive.

Mr Scott had already been punished for his actions and these proceedings have been ongoing for a long time. The panel's findings and decision would affect his professional reputation and future employment prospects.

Secondly, Mr Scott's conduct took place in the context of a long and otherwise unblemished career. In that context and when the other mitigating factors were taken into account, the panel concluded that recommending no review period would not be appropriate and would be disproportionate.

Thirdly, the panel considered that, in time, it would be possible for Mr Scott to undertake further remediation, gain additional insight and demonstrate that he was suitable to return to the profession. He had shown some insight, taken some responsibility for his actions and demonstrated regret and remorse.

The panel proceeded to consider the minimum period before which an application could be made, by Mr Scott, to have the prohibition order reviewed and set aside.

The Advice indicates that where a case involves certain factors, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. None of these factors were relevant in this case.

The panel concluded that a review period of two years was appropriate and proportionate in this case.

A period of two years will afford Mr Scott sufficient time and opportunity, should he wish to do so, to take steps to fully rehabilitate and remediate his conduct and demonstrate that he has gained further insight into the nature, effect and implications of his conduct.

In the view of the panel, a period beyond two years would be disproportionate.

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 some 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 4(b) and 5(a). I have therefore put those matters entirely from my mind.

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

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

The findings of misconduct are serious as they include a finding of inappropriate comments and behaviour, inappropriate physical contact, failure to carry out safeguarding responsibilities and sexual harassment.

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 Scott, 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 pupils, “The panel’s findings against Mr Scott involved inappropriate comments and behaviour of an inappropriate, unprofessional and derogatory nature in relation to various staff members but also, in some instances pupils. There was, accordingly, a strong public interest consideration in respect of the protection of pupils and the other members of the public.

In relation to the former issue, the panel also took into account its findings in allegation 4, whereby on one occasion Mr Scott failed to undertake his duties as headteacher and DSL in terms of safeguarding.” 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, “With reference to allegations 1 to 3, the fact that Mr Scott did not recognise the inappropriate nature of his actions at the time was a concern.

In particular, it followed that Mr Scott believed that the comments he made and the physical conduct he engaged in, on a regular basis, were acceptable in a school environment.

Whilst Mr Scott had shown some insight in relation to this and other matters, the panel considered that his insight was emerging rather than complete. He continued to deny that certain matters were inappropriate and unprofessional when, in the view of the panel, they clearly were. Accordingly, there remained a question mark as to whether Mr Scott fully understood and appreciated the implications of his actions. There were still aspects of his account which suggested that he felt certain behaviours were acceptable because they were a consequence of his character and personality.”

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

Similarly, 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 Scott was outside that which could reasonably be tolerated.”

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 Scott himself and the panel comment “Mr Scott had an otherwise unblemished record. There was no evidence that he had been subject to any previous regulatory or disciplinary proceedings.

The panel was presented with some positive accounts about Mr Scott's character, in the written and oral evidence.”

A prohibition order would prevent Mr Scott 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, “The panel therefore concluded that, as things presently stood, there remained a risk of repetition with particular reference to its findings in allegations 1 to 2.”

I have also placed considerable weight on the finding of the panel that “To compound these concerns, the panel was presented with a safeguarding failing it regarded as serious and an instance when Mr Scott put his own interests before those of the School to an extent that amounted to a failure to carry out his professional duties.”

In addition, I have taking the following comments into consideration “panel considered that, in time, it would be possible for Mr Scott to undertake further remediation, gain additional insight and demonstrate that he was suitable to return to the profession. He had shown some insight, taken some responsibility for his actions and demonstrated regret and remorse.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Scott 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 full 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 2 year review period.

I have considered the panel’s comments “A period of two years will afford Mr Scott sufficient time and opportunity, should he wish to do so, to take steps to fully rehabilitate and remediate his conduct and demonstrate that he has gained further insight into the nature, effect and implications of his conduct. In the view of the panel, a period beyond two years would be disproportionate.”

I agree with that panel that a two year review period is required to satisfy the maintenance of public confidence in the profession and is proportionate in this case.

This means that Mr Paul Scott 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 3 November 2024, 2 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 Scott remains prohibited from teaching indefinitely.

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

Mr Scott 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.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 31 October 2022

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

TRA

-and-

Paul Scott

ADDENDUM

**Schedule of incidents/alleged behaviour
relating to allegations 1 and 2**

This schedule is intended to assist Mr Scott in understanding the case against him by providing him with an indication of the matters which are said to amount to unprofessional / inappropriate comments and/or behaviour as set out in allegations 1 and 2.

1a - Made comments to one or more female members of staff regarding their appearance

- i. by referring to one or more female members of staff as the “pretty one” and/or the “good looking” one” and/or “the blond one”.
- ii. by commenting that a member of staff named Staff Member A was “attractive” in response to Staff Member 007 telling you about a health issue Staff Member A was having.
- iii. by commenting to Staff Member 007 that a member of staff named Staff Member B could do better than her boyfriend because she was attractive
- iv. by commenting on whether staff had done their hair and/or make-up and/or on what they were wearing.
- v. by referring to Staff Member C as “the pretty one who lost the baby”.
- vi. by making a comment about the length of Staff Member 001’s skirt.
- vii. by telling Staff Member 001 that she looked “lovely” and/or asking her if she was OK because she had “lost a lot of weight”.
- viii. by telling Staff Member 003 she had “old lady hands”
- ix. by telling Staff Member 009 “you’ve really let yourself go since you got married”.
- x. by telling Staff Member 009 you had had a dream about her in which she hadn’t “let herself go” and that “in fact you were dressing very nicely and also your breasts had got larger”.
- xi. by telling Staff Member 009 “I’m gutted I can’t get [the train] tonight as I’ll miss out on seeing you in lycra”.
- xii. by telling Staff Member 008 “I’m distracted you have pictures of dinosaurs on your breasts”, when she was carrying pictures of dinosaurs and asked you what you were looking at.
- xiii. by commenting to Staff Member D ‘I can see you’ve got your big pants on today’, during a speech for her long service award.

1b - Made comments to one or more female members of staff in relation to pregnancy

- i. by asking whether they were trying for a baby and/or if they knew whether others were trying for a baby.
- ii. by engaging in a discussion with Staff Member 001 and Staff Member 007 during which you told Staff Member 007 that, as she had had her hen do, she would be trying for a baby and therefore would need to train up Staff Member 001.
- iii. by saying words to the effect that “at least downstairs will be intact” when Staff Member C told you she needed to start Maternity Leave early in order to undergo a caesarean.
- iv. by suggesting that Staff Member 005, who was pregnant at the time, was behaving in a particular way “because she was hormonal”.
- v. by saying “FFS” in response to Staff Member E telling you she was pregnant.

1c - Making comments to one or more female members of staff of a suggestive and/or sexual nature

- i. by making a comment about Staff Member 002 being a “virgin” when she came to you with a query about using the electronic safeguarding system.
- ii. by telling Staff Member 003 “if you’re struggling, I’m happy to rub your chest” and commenting that it “was a genuine offer”.
- iii. by asking Staff Member 007 whether the fact that her partner had a big nose meant “he has a big something else then”.
- iv. by asking Staff Member 007 whether she was practising and/or was enjoying practising to have a baby.
- v. by commenting to Staff Member 002 “They’re a nice pair of guinea pigs, I’d like to give them a squeeze”, when Staff Member 009 was holding guinea pigs to her chest.
- vi. by telling Staff Member 008 “Well it would be a really good idea to get me to notice you” and “Seeing you in your underwear would be a really good start”, in response to her asking you what she needed to do to get UPS.
- vii. by telling Staff Member 008 “he’s not the only one” in response to her telling you that a particular child was becoming close / attached to her.
- viii. by telling Staff Member 008 “I’m actually glad you clarified that because I’d be jealous if you were going out or with someone else at work because I find you very intriguing”, in response to her telling you about the good professional relationship she had with a member of staff.
- ix. by telling Staff Member 008 you had a shrine to her in your bedroom.
- x. by telling Staff Member 008 “Well [Staff Member 008] I think about your wild side quite a bit”, in response to her relaying a comment made by a visitor to the school.
- xi. by telling Staff Member 008 “don’t worry I’m here to offer tender kisses”, in response to her reporting that she had been injured.

1d – Made comments referring to others in a derogatory way

- i. by commenting to Staff Member 004 that the [redacted] was “on the spectrum bus”.

- ii. by commenting to Staff Member 004 that a visitor from the Trust was “on the spectrum bus”.
- iii. by commenting to Staff Member 007 that a candidate you had interviewed with her was “on the special bus”.
- iv. by commenting to Staff Member 007 that Staff Member 004 was “on that bus”.
- v. by commenting in a staff meeting that Staff Member F, who was married to another member of staff, Staff Member G, would “regret marrying [Staff Member G] now he’s had his eyes fixed”, after he had had eye surgery.
- vi. by saying “yeah we need to get her away from that fucking bitch” in reference to Staff Member 008, whilst you were speaking to Staff Member 007 regarding the possibility of moving Staff Member 009 into her team.
- vii. by referring to a child with a visual impairment as “the blind girl” even after it was pointed out to you that she was not blind.
- viii. by referring to a child as ‘a bit mad’.
- ix. by commenting that you were ‘not used to teaching children like this and I’m used to teaching white middle class children that are like sponges’, when taking a group of pupils of a lower ability.

2 - Made inappropriate physical contact with other staff members

- i. by flicking Staff Member 009 on the bottom with your badge.
- ii. by hugging Staff Member 009 with your arm around her from the side.
- iii. by brushing Staff Member 008’s cheek and removing a piece of hair that had stuck to her lip.
- iv. by hugging Staff Member 008 despite knowing she did not want to be hugged by you.
- v. by hugging Staff Member 008 with your arm around her from the side.
- vi. by hugging Staff Member 008 from behind on one occasion.
- vii. by placing your arm around Staff Member 011, from behind on one occasion.
- viii. by placing and/or pulling Staff Member H on to your knee at an event in or around Christmas 2018.