



Teaching  
Regulation  
Agency

# **Mr Nicholas Lawson: Professional conduct panel meeting outcome**

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

**October 2021**

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

**Teacher:** Mr Nicholas Lawson  
**Teacher ref number:** 9655175  
**Teacher date of birth:** 24 February 1971  
**TRA reference:** 18989  
**Date of determination:** 20 October 2021  
**Former employer:** The Cherwell School, Oxford

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 20 October 2021, to consider the case of Mr Nicholas Lawson.

The panel members were Mrs Maxine Cole (lay panellist – in the chair), Mr Clive Ruddle (lay panellist) and Mr John Martin (teacher panellist).

The legal adviser to the panel was Miss Claire Watson of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Lawson that the allegation be considered without a hearing. Mr Lawson provided a signed statement of agreed facts and admitted a conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Ms Sherelle Appleby or Mr Lawson.

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

## **Allegations**

The panel considered the allegation set out in the notice of meeting dated 1 October 2021.

It was alleged that Mr Lawson was guilty of having been convicted of a relevant offence, in that:

1. On or around 17 October 2019 he was convicted of attempting to observe a person doing a private act, contrary to section 1 of the Criminal Attempts Act 1981.

Mr Lawson admitted the fact and conviction of a relevant offence.

## **Preliminary applications**

Prior to the start of the meeting, the panel received a copy of the statement of agreed facts, signed by the presenting officer. The panel replaced the copy of the statement of agreed facts included in the bundle with the signed copy.

## **Summary of evidence**

### **Documents**

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

Section 1: Notice of referral, response and notice of meeting – pages 2 to 9b

Section 2: Statement of agreed facts and presenting officer representations – pages 11 to 15

Section 3: Teaching Regulation Agency witness statements – pages 17 to 68

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

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Lawson on 8 February 2021.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

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

Mr Lawson was employed at The Cherwell School (“the School”) since 1 September 2014 as Head of Design, Technology and Engineering. In January 2019, the School was contacted by the police and informed that Mr Lawson was the subject of a current investigation. Mr Lawson was suspended from the School. On 19 October 2019, the School received a court statement from the police detailing the charges against Mr Lawson. Charges for historic voyeurism and attempted voyeurism were brought against Mr Lawson, relating to an incident in 2006. This followed a report [REDACTED], [REDACTED]. The School commenced an investigation and Mr Lawson resigned from his position.

## **Findings of fact**

The findings of fact are as follows:

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

**You have been convicted, at any time, of a relevant criminal offence in that on or around 17 October 2019 you were convicted of attempting to observe a person doing a private act, contrary to section 1 of the Criminal Attempts Act 1981.**

The panel noted the Certified Copy of the Memorandum of an Entry entered into the Register of the Gloucestershire Magistrates’ Court which confirmed that the teacher had been convicted of the offence.

Mr Lawson admitted the allegation.

The panel found this allegation to be proven.

## **Findings as to conviction of a relevant offence**

The panel was satisfied that the conduct of Mr Lawson in relation to the facts it found proved involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Lawson was in breach of the following standard:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

The panel noted that the individual’s actions were relevant to teaching, working with children and working in an education setting. Although the conduct took place outside of

the education setting, the panel noted that Mr Lawson worked with pupils of a similar age as the victim at the time of the offence.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Lawson's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Lawson's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

This was a case relating to an offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one off incidents, Teacher misconduct: the prohibition of teachers, referred to as 'the Advice' states is likely to be considered a relevant offence.

The panel took into account the written references, produced at the time that Mr Lawson was applying for the role at the School, attesting to Mr Lawson's previous good record as a teacher. The panel also noted that Mr Lawson had stated that he had a difficult relationship with [REDACTED] at the time of the incident.

Although the panel found that the evidence did not bring into question Mr Lawson's teaching proficiency, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Lawson's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Lawson, which involved a conviction of attempting to observe another person doing a private act, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of an attempt to observe a child doing a private act.

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

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

The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. However, the panel found no evidence to suggest that Mr Lawson's contribution to the profession was exceptional.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Lawson's actions were not deliberate.

There was no evidence to suggest that Mr Lawson was acting under duress, and, in fact, the panel found Mr Lawson's actions to be calculated and motivated.

Mr Lawson did have a previously good history.

The panel saw no evidence that Mr Lawson was previously subject to disciplinary proceedings/warnings.

Although the panel saw some evidence of good character in the form of references from 2014 when Mr Lawson applied for the role of subject leader for design technology and engineering, it noted that no recent references were provided that could attest to Mr Lawson's abilities as a teacher or good character post his conviction.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Lawson of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Lawson. The conviction, involving attempting to observe a person doing a private act for the purpose of obtaining sexual gratification, was a significant factor in forming that opinion. That person was under the age of 16 years old at the time of the incident. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the



potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel did not consider that Mr Lawson had used his professional position to influence or exploit a person. However, the panel found that Mr Lawson was responsible for attempting to observe a child doing a private act for the purposes of sexual gratification.

These behaviours also included any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. Although the panel acknowledged that Mr Lawson had not been convicted of viewing, taking, making, possessing, distributing or publishing any indecent photograph, the panel noted that Mr Lawson was convicted of attempting to observe a person doing a private act. The panel noted that person was a child and found such a behaviour to be relevant.

As regards evidence of insight, in his response to the notice of referral form, Mr Lawson stated that he had 'completed [his] punishment a year ago' and that he was trying to move on. The panel did not consider this to demonstrate that Mr Lawson had shown insight into his actions.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of 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 the allegation proven and found that the proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Nicholas Lawson should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Lawson 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.

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 a relevant conviction, 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 Lawson, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "that the individual's actions were relevant to teaching, working with children and working in an education setting. Although the conduct took place outside of the education setting, the panel noted that Mr Lawson worked with pupils of a similar age as the victim at the time of the offence.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and members of the public."

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, "As regards evidence of insight, in his response to the notice of referral form, Mr Lawson stated that he had 'completed [his] punishment a year ago' and that he was trying to move on. The panel did not consider this to demonstrate that Mr Lawson had shown insight into his actions." In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel's findings against Mr Lawson, which involved a conviction of attempting to observe another person doing a private act, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of an attempt to observe a child doing a private act.

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

I am particularly mindful of the nature of the conviction in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a

failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of a relevant conviction, 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 Lawson himself. The panel comment “Although the panel saw some evidence of good character in the form of references from 2014 when Mr Lawson applied for the role of subject leader for design technology and engineering, it noted that no recent references were provided that could attest to Mr Lawson’s abilities as a teacher or good character post his conviction.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “As regards evidence of insight, in his response to the notice of referral form, Mr Lawson stated that he had ‘completed [his] punishment a year ago’ and that he was trying to move on. The panel did not consider this to demonstrate that Mr Lawson had shown insight into his actions.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Lawson has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel’s comments “Although the panel acknowledged that Mr Lawson had not been convicted of viewing, taking, making, possessing, distributing or publishing any indecent photograph, the panel noted that Mr Lawson was convicted of attempting to observe a person doing a private act. The panel noted that person was a child and found such a behaviour to be relevant.”

I have considered whether allowing for no review reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, there are factors which mean that a no review period is

necessary to achieve the aim of maintaining public confidence in the profession. These factors are the nature of the offence and the lack of insight or remorse.

I consider therefore that allowing for a no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Nicholas Lowson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Nicholas Lowson shall not be entitled to apply for restoration of his eligibility to teach.

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

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

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

**Decision maker: Alan Meyrick**

**Date: 27 October 2021**

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