



Teaching
Regulation
Agency

Mr Gavin Marsh: Professional conduct panel outcome

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

March 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	7
Documents	7
Witnesses	8
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	11
Decision and reasons on behalf of the Secretary of State	14

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

Teacher:	Mr Gavin Marsh
Teacher ref number:	1045518
Teacher date of birth:	10 September 1989
TRA reference:	20658
Date of determination:	22 March 2023
Former employer:	The Kemnal Academies Trust, Sidcup

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 22 March 2023 by virtual means, to consider the case of Mr Gavin Marsh.

The panel members were Mrs Jane Gotschel (teacher panellist – in the chair), Ms Penny Griffith (lay panellist) and Dr Martin Coles (former teacher panellist).

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

The presenting officer for the TRA was Ms Kiera Oluwunmi of Kingsley Napley LLP solicitors.

Mr Gavin Marsh was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Hearing dated 26 January 2023.

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

1. On or before 5 November 2020, he was in possession of explicit sexual image(s) involving animal(s);
2. On 3 December 2021, he was found guilty of possession of extreme pornographic images of intercourse/oral sex with dead/alive animal contrary to Section 63(1), (7)(d) the Criminal Justice and Immigration Act 2008, therefore in relation to his conduct at allegation 1, was conditionally discharged for 24 months.

In the absence of a response from Mr Marsh, the allegations were not admitted.

Preliminary applications

As the referral to the TRA in this case was made after 19 May 2020, the Teacher Misconduct – Disciplinary Procedures for the Teaching Profession (“the Procedures”) dated May 2020 were followed.

Proceeding in absence

The panel considered an application from the presenting officer to proceed in the absence of Mr Marsh.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19 a to c of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel was also satisfied that the Notice of Hearing complied with paragraphs 5.23 and 5.24 of the Procedures. An initial Notice of Hearing was sent to the teacher on 22 December 2022, providing at least 10 weeks’ notice of the hearing. The panel noted that in the updated Notice of Hearing, dated 26 January 2023, the stem of the allegation had been amended to allege unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Although the updated Notice of Hearing, dated 26 January 2023, was not sent 10 weeks prior to the hearing, the panel noted that contact had been made with Mr Marsh by telephone and he confirmed that he had waived the requisite notice period. The panel considered whether the service of the Notice of Hearing was effective, as it was sent by email rather than by post. The panel noted that Mr Marsh had communicated with the TRA by email and, although after the notice of hearing was sent, requested all correspondence to be sent to him by email.

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba and Visvardis*.

In making its decision, the panel noted that the teacher may waive the right to participate in the hearing. The panel firstly took into account the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC 1.

The panel was satisfied that the teacher was actually aware of the proceedings, as the Notice of Hearing was sent to an email address which the teacher had previously responded to and Mr Marsh had been informed of the hearing date by telephone. The panel therefore considered that the teacher waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel did not consider that an adjournment would result in the teacher attending the hearing voluntarily. The panel noted that Mr Marsh had initially engaged with the TRA, but had more recently stopped responding to emails. The teacher had expressed a wish for the hearing to go ahead and had not expressed a wish for the hearing to be adjourned or for him to be legally represented.

The panel had the benefit of representations made by the teacher during the School's disciplinary investigation and was able to ascertain the lines of defence. The panel had the teacher's submissions and was able to take these into account at the relevant stage. The panel noted it had in the bundle a certified memorandum of conviction. The panel had not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel could take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer had discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel noted that there was a risk of an improper conclusion about the absence of the teacher. However, the panel had sight of telephone attendance notes and emails from the teacher which explained his absence and his wish for the hearing to proceed.

The panel recognised that the allegations against the teacher were serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession.

The panel noted that there were no witnesses to be called, and therefore the effect of delay on the memories of witnesses was not a factor to be taken into consideration in this case.

The panel decided to proceed with the hearing in the absence of the teacher. The panel noted the potential adverse effect on the teacher should the hearing be adjourned. The panel considered that in light of the teacher's waiver of his right to appear; and by taking such measures referred to above to address that unfairness insofar as is possible; that on balance, these are serious allegations and the public interest was in this hearing proceeding without delay.

Late documents

At the outset of the hearing, the presenting officer applied to admit email correspondence with the teacher, the teacher's response to the case to answer investigation and telephone attendance notes of calls between the teacher and the presenting officer's firm.

Those documents, with the exception of the teacher's response to the case to answer investigation, were not served in accordance with paragraph 5.35 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 5.34 of the Procedures at the discretion of the panel. The panel took into account the representations from the presenting officer. The email correspondence and telephone attendance notes related to the application to proceed in absence of the teacher. It included communications with the teacher in relation to his attendance at the hearing. The panel exercised caution given that the teacher was absent from the hearing.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case as they related to the teacher's response to the allegations, attempts to communicate with Mr Marsh and his reasons for non-attendance at the hearing.

The panel noted that there was a distinction to be drawn between the situation when a presenting officer seeks to rely upon hearsay evidence, and the current situation when the hearsay evidence had been provided to the TRA by the defence, albeit provided to the panel by the presenting officer, without the witness being in attendance. The former invokes considerations relating to the teacher's right to a fair hearing, whereas the latter

does not, although there remains a question of the fairness between the parties. The panel was satisfied that any imbalance caused to the presenting officer in being unable to cross-examine the witness could be addressed by the panel's decision in due course as to what weight it should attach to the evidence, if such evidence was admitted.

In relation to hearsay evidence produced by the presenting officer, the central question for the panel was whether it was fair in the circumstances to allow evidence to be put forward by the presenting officer. The panel noted that the hearsay evidence did not constitute a critical part of the evidence against the teacher in relation to the allegations, but rather related to the proceeding in absence application. The panel noted that some of the email correspondence and telephone attendance notes were only available in the days prior to the hearing.

By reason of the above, the panel decided to admit the documents.

Amending the allegations

An application was made by the presenting officer to amend the Notice of Hearing by amending allegation 2 to insert a comma between Section 63(1) and (7)(d). The panel had the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher. The panel had decided to proceed with the hearing in the absence of the teacher.

The panel considered that the amendment proposed being a correction of a typographical error does not change the nature, scope or seriousness of the allegations. There is no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The teacher had sight of the memorandum of conviction, which stated the sections of the Criminal Justice and Immigration Act 2008 which were being referred to. The panel therefore decided to amend the allegation as proposed.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 3 to 5

Section 2: Notice of hearing and response – pages 6 to 13

Section 3: Teaching Regulation Agency documents – pages 14 to 138

In addition, the panel agreed to accept the following:

- Email correspondence including between the TRA and the presenting officer's firm and the presenting officer's firm and the teacher – pages 139 to 166
- Telephone attendance note, dated 21 March 2023 – page 167
- Teacher's response to the case to answer investigation – pages 168 to 174

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel did not hear any oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Gavin Marsh had been employed with the Kemnal Academies Trust ("the Trust") at Salmestone Primary School ("the School") as a class teacher since 1 September 2014. On 9 February 2021, the police contacted the School and informed it that Mr Marsh had been arrested. On 21 October 2021, the police informed the School that Mr Marsh had been charged with possession of extreme images. On 3 December 2021, Mr Marsh was convicted of possessing extreme pornographic images of intercourse/oral sex with dead/alive animals on 5 November 2020, contrary to sections 63(1) and (7)(d) of the Criminal Justice and Immigration Act 2008.

Findings of fact

The findings of fact are as follows:

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

- 1. On or before 5 November 2020, you were in possession of explicit sexual image(s) involving animal(s);**

The panel had sight of a certified memorandum of conviction, printed on 1 November 2022. This related to, on or before 5 November 2020, possessing extreme pornographic images portraying a person performing an act of intercourse with a live animal.

The allegation was therefore found proved.

- 2. On 3 December 2021, you were found guilty of possession of extreme pornographic images of intercourse/oral sex with dead/alive animal contrary to Section 63(1), (7)(d) the Criminal Justice and Immigration Act 2008, therefore in relation to your conduct at allegation 1, were conditionally discharged for 24 months.**

The panel had sight of a certified memorandum of conviction, printed on 1 November 2022. This related to, on or before 5 November 2020, possessing extreme pornographic images portraying a person performing an act of intercourse with a live animal, contrary to sections 63(1), (7)(d) and 67(3) of the Criminal Justice and Immigration Act 2008.

A guilty plea was entered on 3 December 2021 and Mr Marsh was discharged conditionally for 2 years.

The allegation was therefore found proved.

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

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

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

The panel was satisfied that the conduct of Mr Marsh, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Marsh 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

- not undermining fundamental British values, including ... the rule of law.

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.

Mr Marsh had been convicted of a criminal offence, relating to possessing extreme pornographic images of a person performing an act of intercourse with a live animal. This was contrary to the rule of law, the School’s policies and the statutory frameworks which set out a teacher’s professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Marsh fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Marsh's conviction that led to a conditional discharge displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or indecent pseudo photograph ... or permitting any such activity, including one-off incidents was relevant. The panel noted that there was no finding of any activity involving viewing, taking, making, possessing, distributing or publishing images of a child.

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 and/or conduct that may bring the profession into disrepute.

The panel noted that the allegations took place outside the education setting. Although the panel noted there were no safeguarding concerns in relation to the safeguarding of children, the panel considered that Mr Marsh's behaviour in viewing illegal images was incompatible with the behaviour expected of a teacher.

Accordingly, the panel was satisfied that Mr Marsh was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

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.

The panel considered that Mr Marsh's conduct could potentially damage the public's perception of a teacher. The viewing of illegal images was incompatible with Mr Marsh's role as a teacher and contrary to the unique role teachers hold as role models for pupils.

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

Having found the facts of allegations 1 and 2 proved, the panel further found that Mr Marsh'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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Marsh and whether a prohibition order is necessary and proportionate. 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 a 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 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 Marsh, which involved a conviction for possession of extreme pornographic images involving animals, the panel did not consider the safeguarding and wellbeing of pupils to be relevant, as there was no finding of a concern in relation to the safeguarding and wellbeing of pupils.

Similarly, the panel did not consider the protection of other members of the public to be relevant, as there was no evidence to suggest that Mr Marsh's behaviour had caused harm to members of the public.

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

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

The panel did not consider that there was a strong public interest consideration in retaining the teacher in the profession. Although no doubt had been cast upon his abilities as an educator, the panel was not provided with any evidence of Mr Marsh's abilities as an educator or his contribution to the profession.

The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Marsh in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- the commission of a serious criminal offence, including those that resulted in a conviction or caution;

- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph ..., or permitting such activity, including one-off incidents;

- actions or behaviours that ... undermine fundamental British values of ... the rule of law.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

In the light of the panel's findings, there was evidence that Mr Marsh's actions were deliberate. The panel noted that, during the School's disciplinary hearing, Mr Marsh explained that he used a 'chat app' to talk to friends that live abroad and met people online with similar interests such as sports. From this, he got invited to groups which shared different things. He would not play an active role in the groups but would be removed and later be added back into the group. However, Mr Marsh had been convicted of possession of extreme pornographic images of animals and the panel considered that Mr Marsh had made a conscious decision to remain on the application.

There was no evidence to suggest that Mr Marsh was acting under extreme duress, for example a physical threat or significant intimidation.

The panel saw no evidence that Mr Marsh had any previous convictions. The panel saw no evidence that showed that Mr Marsh was previously subject to disciplinary proceedings or warnings.

The panel was provided with a character reference for Mr Marsh, describing him as “extremely helpful and supportive” with a “great deal of patience”. This character reference was provided by a former colleague, however it was not signed or dated. It was also not clear whether this individual knew Mr Marsh in his capacity as a teacher or whether they knew of the allegations. Further, the panel was not able to question the individual. Therefore, the panel did not place weight on this character reference. The panel was provided with no references from any colleagues that could attest to Mr Marsh’s abilities as a teacher.

The panel had no evidence to show Mr Marsh’s level of insight or remorse.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Marsh 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 Marsh. The conviction for possession of extreme pornographic images which portrayed, in an explicit and realistic way, a person performing an act of intercourse with a live animal was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these is any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph ... including one off incidents. The panel found that Mr Marsh was responsible for the possession of explicit sexual images involving animals. Although these were not indecent images of a child, the panel noted that these were extreme pornographic images.

The panel had sight of the pre-sentencing report which stated that Mr Marsh had been assessed as posing a low risk of serious harm to the public, staff, children and known adults. However, the panel did not have any evidence from Mr Marsh which showed insight and remorse 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 all of the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Marsh 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

- not undermining fundamental British values, including ... the rule of law.

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 findings of misconduct are particularly serious as they include a finding of possession of extreme pornographic images.

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "The panel noted that the allegations took place outside the education setting. Although the panel noted there were no safeguarding concerns in relation to the safeguarding of children, the panel considered that Mr Marsh's behaviour in viewing illegal images was incompatible with the behaviour expected of a teacher." 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, "The panel had no evidence to show Mr Marsh's level of insight or remorse." 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 general future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel considered that Mr Marsh's conduct could potentially damage the public's perception of a teacher. The viewing of illegal images was incompatible with Mr Marsh's role as a teacher and contrary to the unique role teachers hold as role models for pupils." I am particularly mindful of the finding of possession of extreme pornography in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Marsh himself. The panel comment "The panel was provided with a character reference for Mr Marsh, describing him as "extremely helpful and supportive" with a "great deal of patience". This character reference was provided by a former colleague, however it was not signed or dated. It was also not clear whether this individual knew Mr Marsh in his capacity as a teacher or whether they knew of the allegations. Further, the panel was not able to question the

individual. Therefore, the panel did not place weight on this character reference. The panel was provided with no references from any colleagues that could attest to Mr Marsh's abilities as a teacher."

A prohibition order would prevent Mr Marsh 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 "The panel found that Mr Marsh was responsible for the possession of explicit sexual images involving animals. Although these were not indecent images of a child, the panel noted that these were extreme pornographic images."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Marsh 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 "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these is any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph ... including one off incidents. The panel found that Mr Marsh was responsible for the possession of explicit sexual images involving animals. Although these were not indecent images of a child, the panel noted that these were extreme pornographic images."

I have considered whether not allowing for a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that not allowing for a review is necessary are the nature of the conviction and the lack of evidence of insight or remorse.

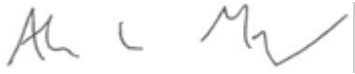
I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Gavin Marsh 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 Gavin Marsh 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 Gavin Marsh 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 grey ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 24 March 2023

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