



Teaching  
Regulation  
Agency

# **Andrew Thomas: Professional conduct panel outcome**

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

**March 2023**

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

<b>Teacher:</b>	Mr Andrew Thomas
<b>Teacher ref number:</b>	9660120
<b>Teacher date of birth:</b>	15 February 1974
<b>TRA reference:</b>	20114
<b>Date of determination:</b>	22 March 2023
<b>Former employer:</b>	Sheffield High School for Girls, Sheffield (“the School”)

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 20 to 22 March 2023, to consider the case of Mr Andrew Thomas.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mr David Raff (lay panellist) and Mrs Fiona Angel (teacher panellist).

The legal adviser to the panel was Mr Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Leah Redden of Browne Jacobson solicitors.

Mr Thomas was present and was represented by Miss Diane Ellis.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 6 January 2023.

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

1. Between July 2020 and May 2021, he failed to maintain appropriate professional boundaries with Pupil A, including by:
  - a. transporting Pupil A in his vehicle without following the correct school procedures relating to transporting pupils;
  - b. having 1:1 contact with Pupil A outside of school hours via Google Meet on one or more occasions;
  - c. provided Pupil A with his mobile phone number;
  - d. engaging in phone calls with Pupil A using his personal mobile phone;
  - e. engaging in frequent contact with Pupil A via email, in which he;
    - i. called Pupil A nicknames such as 'Fuzzy Eyes', 'Tweetie' and 'Starlet'
    - ii. stated 'that's my girl [smiley face] in relation to Pupil A;
    - iii. in December 2020, sent emails which related to 'advent' and did not relate to schoolwork;
    - iv. arranged to meet up with Pupil A at 'the pond';
    - v. discussed Pupil A's personal life;
    - vi. sent messages outside the school's curfew for email communication.
2. He failed to report or record adequately or at all:
  - a. that Pupil A was vulnerable and/or required additional support;
  - b. that he was seeking to provide additional support to Pupil A and/or that communications with Pupil A were becoming inappropriate;
  - c. that Pupil A emailed him stating "I love you" in or around February 2021.

At the outset of the hearing, the panel decided to amend the stem of the allegation to replace the word "including" with "namely".

During the course of the hearing, the panel decided to amend allegation 2c. to read "that Pupil A sent him a document stating "I love you" in or around February 2021."

Mr Thomas admitted the facts of the allegations (save that he denied that Pupil A was vulnerable). Mr Thomas admitted that they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## Preliminary applications

### Amendment of allegation

At the outset of the hearing, the panel decided to amend the stem of the allegation to replace the word “including” with “namely”. There was no objection to the amendment by either the presenting officer or Mr Thomas’s representative. The panel decided that it was in the interests of justice to make the amendment. This meant there would be no confusion and only matters specifically referred to in the sub-paragraphs of the allegation could be considered by the panel.

### Late admission of document

Mr Thomas’s representative made an application to admit an email dated 15 January 2021 from Mr Thomas to a colleague regarding Pupil A. There was no objection to its admission by the presenting officer. The panel decided that it would be fair to admit the document, since Mr Thomas had only been able to adduce it after he received a response to his subject access request, since he no longer had access to documentation from his former employment. The panel considered that the document was relevant to the issue of whether Mr Thomas had failed to report or record adequately that Pupil A required additional support. The panel decided to admit the document.

### Further application to amend the allegation

During the course of the hearing, the presenting officer applied to amend allegation 2c. to read “that Pupil A sent him a document stating “I love you” in or around February 2021.” There was no objection to the amendment by Mr Thomas’s representative. The panel decided that it was in the interest of justice to make the amendment since it reflected the evidence. There was no prospect of Mr Thomas’s defence having been prepared differently had the amendment been made at an earlier stage. The amendment did not alter the fabric of the allegation, nor did it make it any more serious.

## Summary of evidence

### Documents

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

Section 1: Notice of proceedings and response – pages 7 to 18

Section 2: Anonymised pupil list – page 20

Section 3: Teaching Regulation Agency witness statements – pages 21 to 515

Section 4: Teaching Regulation Agency documents – pages 516 to 572

Section 5: Teacher documents – pages 573 to 594.

In addition, the panel agreed to accept the following:

Email dated 15 January 2021 from Mr Thomas to a colleague regarding Pupil A – page 595.

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

## **Witnesses**

The panel heard oral evidence from Individual B called by the presenting officer. The panel also heard oral evidence from Mr Thomas.

## **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 Thomas was a part time teacher of English at the School from 1 September 2006. On 24 May 2021, a concern was raised by a member of staff regarding Mr Thomas and, on that day, Mr Thomas was suspended from the School pending investigation. A disciplinary hearing was held on 17 June 2021. Mr Thomas's last day of employment with the School was on 23 June 2021.

## **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. Between July 2020 and May 2021, you failed to maintain appropriate professional boundaries with Pupil A, namely by:**
  - a. transporting Pupil A in your vehicle without following the correct school procedures relating to transporting pupils;**

Mr Thomas admitted this allegation. In his interview as part of the School's investigation, he was asked about having been seen getting into the car with another teacher ("Individual A") and Pupil A on school premises on 21 May 2021. Mr Thomas responded that they were going to a meal arranged for the [REDACTED] students to say goodbye at the end of their course. He stated that Individual A was not going to come, but he had offered to drive her to the restaurant. He stated he had had a subsequent conversation

with Pupil A as she did not know where the restaurant was, and that he had explained he was taking the other teacher and that he could take her as well. He stated that he had told Pupil A to let her [REDACTED] know. He stated that he had “stupidly thought because I had another member of staff present, I would be ok.”

The School’s Safeguarding and Child Protection Policy September 2020 states that it “forms a fundamental part of our approach to providing excellent pastoral care to all pupils, including young people who may be over the age of 18 years.” The panel was satisfied that the policy applied regardless of Pupil A having reached the age of 18 at the time Mr Thomas drove Pupil A in his car. That policy and the School’s Safeguarding Procedures September 2020 (to be read in conjunction with the policy) set out the arrangements to safeguard and promote the welfare of pupils at the School and stated that car journeys should not be offered to pupils unless in an emergency, and ideally with parental permission. These Safeguarding Procedures state: “Any transport should be undertaken with at least one adult additional to the driver acting as an escort. Always inform your line manager and log details and reason for the journey ASAP. Staff must ensure they have appropriate insurance in accordance with the information on school trips on the GDST staff intranet.”

Individual B gave evidence that had permission been sought to take Pupil A in his car for this purpose, she would have asked further questions and likely would have proposed that it would have been more suitable for Pupil A to use an alternative means of travelling to the restaurant. She confirmed that this was not the kind of circumstances in which it would usually be appropriate to transport a pupil, and these would more commonly be in an emergency, or an occasional event, for example to attend a competition during the School day. She explained that the School had an insurance policy under which occasional trips could be covered but that it was a condition that checks were completed, that there was evidence of MOT status and that the teacher’s driving licence was not endorsed.

Mr Thomas confirmed that he had not sought permission from Individual B or the [REDACTED] to take Pupil A in his car. He stated that Pupil A had said that she had told her [REDACTED], but that he had not obtained permission directly from Pupil A’s parents. He stated that it was only when he arrived at the restaurant that he realised that it was next door to the train station and that Pupil A could have travelled by train.

Pupil A was asked about the incident as part of the School’s investigation. Although hearsay, the panel considered that the evidence was admissible, as it was not the sole or decisive evidence in support of the allegation. Pupil A confirmed that Mr Thomas had driven her and Individual A to the restaurant to celebrate the end of ‘A’ levels with the [REDACTED] class. The note of that meeting stated that Pupil A had asked why getting into Mr Thomas’s car was wrong, as she had travelled in other teachers’ cars before for the Duke of Edinburgh award. She also stated that another teacher had been due to take

four students in her car that afternoon. The note stated that the [REDACTED] had subsequently spoken with the teachers concerned to stop this trip from happening.

Individual A was asked about this incident during the School's investigation. Although hearsay, the panel considered that the evidence was admissible, as it was not the sole or decisive evidence in support of the allegation. She stated that she had not been aware that Pupil A was travelling with them until just before they departed. During the journey, Pupil A had said that her [REDACTED] was aware and had given permission. She stated that she had not thought about any Covid safety issues despite being less than one metre from a student, and that she had not questioned why Mr Thomas was allowing a student to travel in his car.

In light of Mr Thomas's admission and the corroborating evidence, the panel found it proven that Mr Thomas had transported Pupil A in his vehicle without following the correct school procedures relating to transporting of pupils. In doing so, the panel also considered that Mr Thomas had failed to maintain appropriate boundaries. Given that this was not an emergency situation, Mr Thomas could have made enquiries and discovered that there was an alternative method of transport available. He also had the time available to check the relevant procedures and to provide the notification required. In failing to take these steps, Mr Thomas allowed a student to travel in his car when it was both unnecessary and unauthorised, and thereby breached appropriate professional boundaries. The panel noted, however, that the safeguarding risk in the circumstances was low, given the presence of another teacher.

The panel found this allegation proven.

**b. having 1:1 contact with Pupil A outside of school hours via Google Meet on one or more occasions;**

Mr Thomas admitted this allegation.

During the School investigation, data was reviewed regarding the use of Google Meet from December 2020 to May 2021. During this period, Mr Thomas hosted 19 meetings that Pupil A was a participant in, and of those 19 meetings, there were five where Mr Thomas and Pupil A were the only participants. These were as follows:

29 December 2020 from 10:01 until 11:14 (during the School Christmas holiday);

11 January 2021 from 16:15 until 16:41;

13 January 2021 from 15:52 to 16:57;

17 February 2021 (School half term) from 17:46 until 18:28; and

8 April 2021 (School Easter holiday) from 19:38 until 21:30.



The data showed that none of the meetings were recorded and that all of the meetings had taken place outside usual school hours.

The School's Model Online Safety Policy dated September 2020 stated that the purpose of the policy was to safeguard and protect all members of the School's community online and to enable all staff to work safely and responsibly. The Guided Home Learning Annex was revised in January 2021 and stated "the Head must be advised in advance of any 1:1 teaching sessions. All 1:1 teaching sessions must be recorded on Microsoft Teams or Google Classroom. Support and pastoral 1:1 sessions should be recorded on Teams or Google Classroom unless the professional judgement of the member of the staff is that this would be inappropriate, or the pupil is unhappy about a recorded being made, in which case it is acceptable for detailed notes to be kept instead."

Individual B stated that, initially, teachers were asked to record all Google Meets, but since this had been taking up significant volumes of space on the servers, teachers were instructed to record 1:1 meetings for safeguarding purposes and to protect teachers against any allegation. She stated that this was to replicate the situation in School, whereby if a 1:1 meeting was taking place, teachers were instructed to keep their door open. She stated that 1:1 meetings also originally had to notified to her, but that this had quickly evolved and frequent meetings could be notified to a head of department but that it was paramount that they were recorded. Individual B stated that she was not aware of non-compliance with this requirement. She stated that there were regularly 1:1 meetings and that there were lots of them being recorded and that practice has continued now, where Google Meets are still being used as a legacy of the Covid lockdowns. She stated that it is embedded practice that all such 1:1 meetings are recorded.

Mr Thomas stated that the purpose of each 1:1 Google Meet was as follows:

29 December 2020 – revision session for the upcoming January mock examinations, and linked to Pupil A's anxious email of the day before;

11 January 2021 – coursework preparation;

13 January 2021 - feedback on Pupil A's planning notes;

17 February 2021 – to reinforce professional boundaries, then to provide feedback regarding Pupil A's coursework;

8 April 2021 – revision session for upcoming May assessments.

In oral evidence, Mr Thomas confirmed that he had only had 1:1 Google Meets with Pupil A. He had offered these to other [REDACTED] students, but the other students had been happy to email or to collaborate using Google Docs.

Mr Thomas stated that he was aware of the requirement to record the meetings. He stated that it had been Pupil A's practice to tag on personal issues in emails during

exchanges regarding her work. He stated that he had not wanted such personal comments regarding Pupil A's family, for example, being recorded. He stated that he was concerned Pupil A might say something that she would not have wanted recorded.

Regarding the Google Meet on 17 February 2021, Mr Thomas stated that, having received a message from Pupil A stating that she loved him, he believed that she had misinterpreted the help he had provided, and that he had needed to re-establish boundaries with her. He stated that it would not have been possible for him to have had that conversation with Pupil A if it had been recorded. He was concerned that the help he had given, and the fact that he had given her his personal mobile number, could be seen as having encouraged Pupil A. He stated that he had been in "self-preservation" mode at that point, thinking about what he could do to fix this terrible mistake so he could continue in his job and so Pupil A did not become embarrassed by her misinterpretation.

Mr Thomas stated that the Google Meet on 8 April 2021 had been for the purpose of revision and ensuring that everything was in place for the forthcoming internal assessments. By this time, he remained concerned that even though their relationship had been strictly professional since February, he could not trust that Pupil A would not make some comment, and it was this concern that lay behind his decision not to record the meeting.

By reason of Mr Thomas's admission and the corroborating evidence, the panel found it proven that Mr Thomas had 1:1 contact with Pupil A outside of school hours via Google Meet. The Covid pandemic with its enforced lockdowns necessitated changes to established working practices. There ought to have been a heightened awareness of the need to keep apprised of policy requirements that were being refreshed to adapt to the situation and to adhere to them. It was evident that Mr Thomas was well aware of the requirement to record the meetings and that he deliberately chose not to do so. Had he anticipated pastoral matters being discussed, if his professional judgement was that recording would be inappropriate, or if Pupil A had been unhappy about a recorded being made, detailed notes should have been taken by Mr Thomas. There is no evidence of such notes. In disregarding a policy that had been formulated to safeguard and protect all members of the school community, Mr Thomas failed to maintain appropriate professional boundaries.

The panel found this allegation proven.

**c. provided Pupil A with your mobile phone number;**

**d. engaging in phone calls with Pupil A using your mobile phone.**

Mr Thomas admitted these allegations. He accepted that he should not have provided his personal phone number to any student and stated that this misjudged decision had been borne out of trying to support students during the unprecedented and stressful time of the Covid pandemic.

Mr Thomas stated that Pupil A was a student that he had a long-standing and close professional connection to, having taught her regularly for more than three years and their emails regarding work matters began to contain more personal elements, with friendly and supportive dialogue alongside academic support. He stated that as Pupil A's [REDACTED] increased, given the mutual trust each had in the other and the upcoming Christmas break, he had made a judgment call to give Pupil A his personal mobile number. He stated that he now realises this to have been a grave error, but that it was borne out of genuine concern and a sense that he was the best person to help Pupil A.

Mr Thomas was interviewed as part of the school investigation. He stated that he understood that it was not acceptable to provide his mobile number, but that he had felt worried for her. He was asked how many times he had spoken with Pupil A on the phone, given that he had made no entries on the School's CPOMs systems for recording concerns. Mr Thomas stated he had spoken with Pupil A on a handful of occasions on the phone. He stated that her [REDACTED] had asked her to call him for advice after her [REDACTED] car wheels had been scratched. He stated that it was hard to remember how many times they had spoken since December 2020. He stated that he had spoken with her about not having any university offers, that there would have been one call relating to her [REDACTED] and there had possibly been one regarding revision. He stated that on each occasion, Pupil A had called him in a crisis, that he would be able to calm her down, or give her advice and that would be the end of the phone call.

Pupil A stated during the School's investigation that she had the telephone numbers of several members of staff. She stated that a number had been provided by one member of staff for a school medical event. Pupil A stated that she had emailed Individual A over the Christmas holidays in 2020. Individual A had subsequently called her. She stated that she had similarly emailed Mr Thomas at around the same time, and asked him to call her. She stated that Mr Thomas had called her and that he had listened and offered her [REDACTED].

Individual A confirmed during the School's investigation that she had also provided Pupil A with her personal telephone number. She stated that she had given this number to Pupil A after Pupil A had become very upset in a lesson regarding a [REDACTED]. She stated that Pupil A had since sent text messages on numerous occasions to her when Pupil A needed support.

Whilst there may have been an ethos amongst certain teachers that it was acceptable to give a student a personal phone number, this relaxed approach was not reflected in the School's safeguarding policies to which Mr Thomas was required to adhere. The School's ICT Acceptable Use Agreement updated in July 2020 stated "In order to protect both pupils and staff, I will only communicate with pupils using GDST email, work phones, and other school communications systems, but not personal phones, email or social media, except in an emergency." The School Safeguarding Procedures of

September 2020 stated “Do not give pupils personal contact details (eg email, telephone numbers or address).”

In light of Mr Thomas’s admissions and the corroborating evidence, the panel found it proven that Mr Thomas had provided Pupil A with his mobile phone number and had engaged in phone calls with her using his mobile phone. The example of Pupil A having contacted Mr Thomas regarding the wheels of her [REDACTED] car exemplifies why the safeguarding policy prohibited the provision of personal contact details to pupils, in order to avoid the blurring of personal and professional boundaries. It was evident that these boundaries had been breached.

The panel found allegations 1c and 1d proven.

- e. engaging in frequent contact with Pupil A via email, in which you;**
  - i. called Pupil A nicknames such as ‘Fuzzy Eyes’, ‘Tweetie’ and ‘Starlet’**
  - ii. stated ‘that’s my girl [smiley face] in relation to Pupil A;**

Mr Thomas admitted these allegations.

The panel has seen an email from Mr Thomas to Pupil A on 17 December 2020 stating “Enjoy shopping, Tweetie [smiley face]”. Mr Thomas stated that this was a name he had used once after Pupil A had told the class about her nickname at a previous school and he had referenced this in the email he sent after that.

On 18 December 2020, Mr Thomas sent an email to Pupil A stating “Strength and courage- that’s my girl [smiley face].” Mr Thomas stated that this was a phrase he had used once and that it was a phrase Individual A had often used with students as encouragement. He stated that he had picked upon this and used it in the same way to encourage Pupil A in her studies.

On 22 December 2020, Pupil A stated in an email “Do you know what else is fuzzy...my eyes right now as I try to type this email out.” Mr Thomas replied “Of course I will have a look at your essay, Miss Fuzzy Eyes.”

The panel has also seen an email from Mr Thomas to Pupil A on 30 December 2020 stating “Shock, horror – Starlet\* does news:)” Mr Thomas stated he had used this name once in a joking reference to Pupil A having [REDACTED].

Mr Thomas stated that these emails had all been sent in the run up to Christmas when everyone was laughing and joking, trying to make the best of what was going to be an awful Christmas because of lockdown restrictions. He acknowledged that he should never have used the terms and was regretful that he had.

The School's Safeguarding Procedures September 2020 stated: "Do not address a pupil by any name other than his/her first or preferred name." These procedures also stated "Do not single out individual pupils for special gifts or favours or unnecessary individual attention." The procedures stated that the School expected all staff to ensure that relationships with pupils remained on a professional footing and to avoid behaviour that could lead a reasonable observer to question their conduct or intentions.

In oral evidence, Mr Thomas confirmed that he was aware of the School's Safeguarding Policy, and whilst he accepted that he had breached the policy, he stated that these were one off moments, rather than having consistently failed to abide by the policy.

In light of Mr Thomas's admission and the corroborating evidence, the panel found that Mr Thomas had used the nicknames and phrase alleged as part of his frequent contact with Pupil A, and that in doing so he breached appropriate professional boundaries. The use of such language risked the creation of an informal special relationship between teacher and pupil, that the School's policy warned against, and the panel considered this to be a serious breach.

The panel found allegations 1.e.i and 1.e.ii proven.

**iii. in December 2020, sent emails which related to 'advent' and did not relate to schoolwork;**

Mr Thomas admitted this allegation.

Amongst the email exchanges seen by the panel, there is:

an email from Mr Thomas to Pupil A dated 5 December 2020 entitled Advent 5 "a lie in morning but here is today's advent [smiley face]" attaching a photograph of two butterflies,

an email from Mr Thomas dated 17 December 2020 stating "I will send advents at a more suitable hour [smiley face]";

an email dated 18 December 2020 entitled Advent 18 "Not quite running out of ideas just yet..."; and

an email dated 19 December 2020 entitled Advent 19 stating "Now I know you are very Disney, so I thought you would like the idea of a Christmas wedding – the thing exists and places cater for it!".

In Mr Thomas's interview for the School's investigation, he stated that every day he would send Pupil A a picture and she would do the same for the Christmas period. He stated that Pupil A had got an advent calendar and had the idea of sending a picture every day, and that he had "thought OK and ended up doing it." He agreed these emails were not work or School related and that he had seen it as "cheering someone up."

Mr Thomas gave evidence for this hearing that, “the volume of emails increased in the lead up to Christmas largely due to Pupil A’s idea of sending an advent every day. She had said that she hadn’t got an advent calendar and was missing it. At the time, quickly searching an image and sending it, something that took no more than a minute or two to do, seemed an easy way to make someone feel better. Looking back at it now, this further innocent contact seems a very unwise thing to have done, as it increased the personal connection between myself and Pupil A...”

As referred to above, the School’s Safeguarding Procedures September 2020 stated: “Do not single out individual pupils for special gifts or favours or unnecessary individual attention.” The procedures stated that the School expected all staff to ensure that relationships with pupils remained on a professional footing and to avoid behaviour that could lead a reasonable observer to question their conduct or intentions.

The panel noted that although Mr Thomas stated that he had seen these emails as a way of cheering up Pupil A, he had not recorded any entries on the School’s CPOMS system to note his observation of how she was feeling at that time.

In light of Mr Thomas’s admission and the corroborating evidence, the panel found that Mr Thomas had sent frequent emails relating to “advent” which did not relate to schoolwork. Since the emails had the effect of opening up the stream of communications further on a more personal level, the panel found it proven that Mr Thomas had failed to observe appropriate professional boundaries.

The panel found this allegation proven.

#### **v. discussed Pupil A’s personal life;**

Mr Thomas admitted this allegation.

The panel noted various emails in which Pupil A referred to matters relating to her personal life. These included:

an email of 28 September 2020 attaching a photograph of a fluffy toy to which Mr Thomas replied “Stunning. How can I compete?”;

an email of 13 November 2020 in which Pupil A stated she had started her Christmas shopping;

an email of 19 December 2020 attaching a photograph of a robot wasp;

an email of 20 December 2020 referencing a Persian celebration night attaching a photograph of a feast;

an email of 25 December 2020 attaching a photograph of a family member sleeping; and

an email of 2 February 2021 stating “as you took an interest in my redecorating but couldn’t see it properly through the camera I thought I’d send you some after the lesson” attaching photographs of Pupil A’s bedroom;

The sharing of aspects of Pupil A’s personal life was encouraged and validated by Mr Thomas. He made comments such as “just been having a shave for the first time in four days”; and “I got my roof stuff done before the heavy rain came, I did slip on the path and now I have a blood elbow that stings like mad...”

Mr Thomas gave evidence that his three years of teaching Pupil A combined with the unprecedented circumstances of the Covid lockdowns, led to Pupil A speaking up about her worries over her [REDACTED]. He stated that she had shared a YouTube channel link in an email to all members of staff as she was singing songs to cheer herself and others up during lockdown. This led to some discussion about music between Pupil A and Mr Thomas. Mr Thomas stated that while, on reflection, he could see that these discussions were not professional, they were borne out of the extraordinary circumstances surrounding the pandemic and his genuine, if misguided, attempt to offer support.

As referred to above, the School’s Safeguarding Procedures September 2020 stated: “Do not single out individual pupils for special gifts or favours or unnecessary individual attention.” The procedures stated that the School expected all staff to ensure that relationships with pupils remained on a professional footing and to avoid behaviour that could lead a reasonable observer to question their conduct or intentions.

In light of Mr Thomas’s admissions and the corroborating evidence, the panel found that Mr Thomas had engaged in frequent email contact with Pupil A in which Pupil A’s personal life was discussed. Since the emails had the effect of opening up the stream of communications further on a more personal level, the panel found it proven that Mr Thomas had failed to observe appropriate professional boundaries.

The panel found this allegation proven.

**vi. sent messages outside the school’s curfew for email communication.**

Mr Thomas admitted this allegation.

The panel was provided with the School’s Email Guidance. This stated that staff wellbeing surveys had highlighted how much emails were contributing to stress and workload. For that reason, the Email Guidance stated that the School had implemented an email curfew and asked that staff did not send emails to colleagues or students outside the hours of 7am and 7pm Monday to Friday. The Email Guidance went on to state “If you are writing emails in the evenings or at weekends, could we ask that you either use the ‘delay send’ function or save as drafts and send on the next working day.”

The panel has seen emails sent by Mr Thomas after 7pm in the evening, during school holidays and an exchange between Mr Thomas and Pupil A on Christmas Day.

In Mr Thomas's interview as part of the School's investigation, he was asked about the exchanges on Christmas Day. He stated that he had been worried about the number of emails and worried possibly about Pupil A forming a dependency, "but again you're wishing someone a Merry Christmas, don't think it was work related in that sense, but it was hard not to if that makes any sense." It was put to Mr Thomas that he could have not responded to her and he replied "I could have done but didn't want her to feel like she'd done anything wrong, that's it really." He agreed that it was not appropriate to email a student on Christmas Day and stated "I was aware she might have been [REDACTED]." Mr Thomas was also asked about emails sent beyond the 7pm curfew. He stated, "I work late, I'll have emailed other people including students. I spend most nights working." He was asked if it was acceptable to be emailing a student at 10pm at night on a frequent basis, and replied "I think if they've emailed me, there are students who send things at all times, sometimes it's just to say received, or yes it's fine, often if I'm checking work I'll give them an email back to tell them I've seen it."

Mr Thomas's response to this allegation was that he was not aware of a specific instruction not to communicate by email outside of set hours. He stated that he had been aware of general guidance in place before the Covid pandemic which stated that it was not good practice to send emails and/or responses after 7pm. He was not aware if this had been updated to reflect the new pressures and demands presented by Covid lockdowns and he had felt it important to support students who were struggling with the effects of not coming into school. He stated that given the extra work generated by online learning, he was usually working late into each night and responded to emails from a range of students as they were sent, to answer their questions, avoid any confusion or anxiety, and to be a reassuring and reliable presence. He stated that he became obsessive about responding immediately and going over and above in offering help and reassurance.

In light of Mr Thomas's admission and the corroborating evidence, the panel found that Mr Thomas had engaged in frequent contact with Pupil A outside the School's curfew for email communication. The panel considered that had Mr Thomas followed the curfew guidance, this would have helped to prevent slipping into a pattern of behaviour in which messages with Pupil A became overly personal. It would have set the professional boundaries in which a student could expect a response. If Mr Thomas had wanted to work in the evenings, he could have made enquires and learned to use the delay function, or saved the emails to his drafts as the guidance promoted. Responding to emails outside of the curfew fed a pattern of behaviour in which Pupil A continued to ask questions of Mr Thomas outside of the working day. The panel found that Mr Thomas had failed to maintain appropriate professional boundaries.

The panel found this allegation proven.



## **2. You failed to report or record adequately or at all:**

- a. that Pupil A was vulnerable and/or required additional support;**
- b. that you were seeking to provide additional support to Pupil A and/or that communications with Pupil A were becoming inappropriate;**

Mr Thomas admitted allegation 2a, although did not accept that Pupil A was vulnerable. Mr Thomas admitted allegation 2b.

Individual B gave evidence that there had been a previous parental concern raised in July 2020 regarding Pupil A and Mr Thomas. Individual B had received a call from a parent to say that their daughter was worried that Pupil A had an infatuation towards Mr Thomas and that Pupil A was treating her relationship with Mr Thomas as a friendly relationship rather than that of teacher/student. Individual B stated that she had investigated and her investigations revealed nothing of concern. Individual B confirmed that the parental concern was not shared with Mr Thomas, but that she spoke with Mr Thomas to highlight that Pupil A was a student about whom there were concerns and that it was important that any concerns raised with Mr Thomas were logged on CPOMS or via an email sent to the headteacher or the Head of Year. She stated that Mr Thomas acknowledged that he provided a lot of support for Pupil A.

Individual B stated that she would have described Pupil A as vulnerable. Pupil A spoke a lot about [REDACTED]. Pupil A herself was putting a lot of pressure on herself and the way she responded to not always achieving the highest grades was adverse.

Individual B stated that it was important that all concerns about any pupil were logged on CPOMS in order that a profile could be built up and issues identified. The heads of year more closely monitored students with a higher frequency of concerns, and there were low level, but high frequency concerns about Pupil A. Individual B stated that vulnerable pupils were categorised as red, amber or green. Those pupils that were not vulnerable were not categorised in this way. She stated that she would have categorised Pupil A as green, so she was a pupil for whom there was a large number of concerns, but those concerns were not at the highest level. Pupil A would then have been discussed regularly in weekly safeguarding meetings with monitoring of any incidents of note.

Individual B stated that she would have expected any pastoral concerns to have been logged at the teacher's earliest convenience. She stated that there was an expectation that every occasion that a pastoral concern was raised that it would be reported. She stated that this was an important part of the ongoing monitoring of a student that there was an awareness of any behaviours of concern, any incidents and any interventions. This was to enable the bigger picture to be seen and to enable a continuum of care.

The panel noted that, in the CPOMS entries provided, there were no matters having been reported by Mr Thomas. This was despite: Mr Thomas having decided not to record Google Meets with Pupil A in case personal concerns were raised; Mr Thomas having felt

sufficiently concerned about Pupil A's welfare that he gave her his personal mobile telephone number; and that their messages had become more personal.

Mr Thomas initially responded to this allegation stating that he had offered additional academic support to all of the other students in his [REDACTED] group. He stated that the personal support was a product of having taught Pupil A for three years and at the time there did not seem to be a serious issue that required reporting or recording.

Mr Thomas did not recall having been advised by Individual B to record contacts with Pupil A on CPOMS. He stated that he had not been aware of Pupil A's alleged infatuation with him and, had he been informed of this in the meeting following the parental concern raised in July 2020, he would have been alerted to the possibility of his actions being misinterpreted by Pupil A. The panel was not persuaded that Mr Thomas needed to be informed of the parental concern to be alive to the possibility of Pupil A developing an infatuation for him, particularly given the increasingly personal nature of their communications. The panel noted that Mr Thomas had sent an email to Individual B on 21 January 2021 regarding one particular issue relating to Pupil A and the final paragraph stated "I was mindful that she might be a student who we really needed to look after."

In oral evidence, Mr Thomas confirmed that he had only reported concerns regarding Pupil A on that occasion in January 2021 when Pupil A had received a fourth rejection from a University. He stated that on each occasion he had spoken with Pupil A regarding her [REDACTED], for example, Pupil A had calmed down significantly. He stated that he had thought about reporting instances such as this, but these were all issues that Pupil A had shared with the [REDACTED] and the [REDACTED] was aware of all such issues. He stated that he had spoken with the [REDACTED] on a regular basis about issues raised by Pupil A and the [REDACTED] would respond that she was already aware as Pupil A had spoken with her as well.

In light of Mr Thomas's admissions and the corroborating evidence, the panel found it proven that Mr Thomas had failed to report or record adequately that Pupil A required additional support. The panel also found it proven that Mr Thomas had failed to report or record adequately that he was seeking to provide additional support to Pupil A and that their communications were becoming inappropriate. Even though there was a general awareness of the concerns being raised by Pupil A, it was important that these were logged or reported on each occasion that these arose. This information was important for the School to monitor the frequency of such anxieties and assess the level of intervention required.

The panel found allegations 2.a. and 2.b. proven.

**c. that Pupil A sent you a document stating "I love you" in or around February 2021.**

Mr Thomas admitted this allegation.

As part of the School's investigation, it was discovered that over the period from November 2020 until May 2021, Mr Thomas and Pupil A had collaborated over 52 documents. One of these documents was entitled "mock revision" and was created by Pupil A on 14 February 2021 at 18:56. This was viewed and edited by Mr Thomas 7 times between then and 19:26. The first two pages of the document appeared to have been deleted but the third page showed three images of flowers, and on one of the images it had the words "Happy Valentines Day. I love you." The panel has seen a copy of this page.

Mr Thomas gave evidence that Pupil A had sent him a Valentine's message on 14 February 2021 at the end of a Google document. He stated that this was a horrifying bolt from the blue. He had recognised the growing role he had played in offering Pupil A academic and pastoral advice and stated that he should have realised that his help and friendliness might have been interpreted as something more by Pupil A. He stated that he blamed himself for possibly giving Pupil A the wrong idea and decided to arrange a Google Meet with her to explain that her feelings were not reciprocated by him and to re-establish professional boundaries. He stated that he found himself in an impossible situation at that point. He stated that he believed that if he had informed the School of what had happened, it would be misinterpreted, and that giving his mobile telephone number and use of emails would in themselves incur disciplinary action. He stated that he also believed it would cause disruption and embarrassment to Pupil A at what was a crucial time for her academic studies. He therefore resolved to try to manage the situation until Pupil A left the School in May.

In light of Mr Thomas's admissions and the corroborating evidence, the panel found it proven that Pupil A had sent Mr Thomas a document stating "I love you" in or around February 2021. The panel further found it proven that Mr Thomas had failed to report this as he was concerned that disciplinary action might be taken against him if the nature of his communications with Pupil A was discovered. Mr Thomas ought to have reported the incident; he was aware that Pupil A was a pupil who needed support, and yet he tried to manage the situation himself, putting his own interests above those of Pupil A.

The panel found this allegation proven.

The panel found the following allegations against you not proven.

**1. Between July 2020 and May 2021, you failed to maintain appropriate professional boundaries with Pupil A, namely by:**

- e. engaging in frequent contact with Pupil A via email, in which you;**
- iv. arranged to meet up with Pupil A at 'the pond';**

Mr Thomas admitted this allegation.

The panel has seen an email in which Mr Thomas stated “Might see you by the pond on Friday p3.”

Mr Thomas gave evidence that “the pond” was a covered outdoor learning space on school premises that was visible to anyone passing. He stated that the name “the pond” was taken from the coursework text that the [REDACTED] class was studying where the pond was a place on school grounds where things could be discussed.

It would have been appropriate for Mr Thomas to arrange to meet with Pupil A on School premises. Given there was no evidence of “the pond” being anywhere else, and despite the fact that Mr Thomas had admitted the allegation, the panel found it not proven that Mr Thomas had failed to maintain appropriate boundaries in making this arrangement.

The panel found this allegation not proven.

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

Having found the majority 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 Thomas, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Thomas was in breach of the following standards:

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

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
- having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Thomas fell significantly short of the standard of behaviour expected of a teacher. It showed a fundamental disregard for the School’s policies and procedures including those relating to safeguarding.

The panel also considered whether Mr Thomas's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences was relevant.

The panel considered that the matters found proven had taken place inside the education setting. Although some of these matters took place during Covid lockdowns, all communications were between Mr Thomas and Pupil A, largely using the School's communication systems. Travelling in a car with Pupil A was for the purpose of a departmental end of term dinner, and was therefore related to the education setting.

The panel considered that this was a situation in which some (but not necessarily all) of the matters found proven could be described as low level concerns, that had they been isolated incidents would not have ordinarily met the threshold for intervention. However, the panel considered that the cumulative effect of repeated behaviours and the pattern of behaviour in establishing a close and personal relationship with Pupil A led the panel to conclude that those behaviours would amount to unacceptable professional conduct. There were certain behaviours that the panel considered were in themselves sufficiently serious to constitute unacceptable professional conduct, such as holding Google Meets outside School hours for a significant period of time, and deliberately deciding not to record those meetings; providing Pupil A with his mobile telephone number without reporting that Pupil A required additional support and his use of nicknames having the effect of creating an informal special relationship with Pupil A.

The panel went on to consider whether Mr Thomas's actions constituted conduct that may bring the profession into disrepute. 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.

In considering disrepute, the panel also considered whether Mr Thomas displayed behaviours associated with any of the offences in the list that begins on page 12 of Advice. The panel found that none of these offences was relevant.

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 panel considered that Mr Thomas's failure to report matters that ought to have been notified, his decision not to record information, and his deliberate concealment of Pupil A's Valentine's message to him were all matters that undermined the trust placed in the teaching profession.

The panel therefore considered that Mr Thomas's conduct could potentially damage the public's perception of a teacher.

Having found the facts of particulars 1.a., 1.b., 1.c., 1.d., 1.e.i,ii, iii, v, vi, 2.a., 2.b. and 2.c. proved, the panel further found that Mr Thomas'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 Thomas 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 punitive effect.

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

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of breaching appropriate professional boundaries and failing to report safeguarding concerns.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Thomas 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 Thomas was outside that which could reasonably be tolerated.

Whilst there is evidence that Mr Thomas had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Thomas 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;

abuse of position or trust (particularly involving pupils);

collusion or concealment including: ...defending inappropriate actions or concealing inappropriate actions...;

The panel noted that this list was not exhaustive. The panel considered that there was a failure to take steps to enable the School to take appropriate action, in circumstances where Mr Thomas put his own interests above those of Pupil A.

The panel noted that it should attach appropriate weight and seriousness to online behaviours including facilitating inappropriate relationships. The panel has found that Mr Thomas's behaviours risked the creation of an informal special relationship between himself and Pupil A.

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 the mitigation offered by the teacher and whether there were mitigating circumstances.

There was no evidence that Mr Thomas's actions were not deliberate. In particular, Mr Thomas had made deliberate choices when he failed to record the 1:1 Google Meets; failed to report that he had provided his mobile telephone number to Pupil A; and failed to report the Valentine's message he had received.

Some of the behaviours found proven in this case took place during Covid lockdowns and Mr Thomas has referred to the challenges of providing both academic and pastoral support to pupils in those circumstances. However, the panel noted that the School had put in place procedures and technology to support teaching during those periods, and had Mr Thomas adhered to the guidance he was given, this would have gone some way to mitigating the risk of erosion of professional boundaries. There was no evidence that Mr Thomas had raised any management concerns regarding any difficulties he was having coping with the workload or demands placed upon him.

Mr Thomas did have a previously good history, there having been no previous disciplinary findings against him. The panel was presented with no evidence of Mr Thomas, however, having demonstrated exceptionally high standards in both his personal and professional conduct or that he contributed significantly to the education

sector. The panel noted that Mr Thomas's failure to abide by the School's policies and procedures took place over an extended period of time.

Mr Thomas adduced no testimonial statements from professional colleagues. He provided one witness statement from his [REDACTED]. She confirmed that Mr Thomas had told her about the pressures during the Covid lockdowns of having to give extraordinary levels of support to students. She also referred to Mr Thomas's previously unblemished teaching career and that she had never had any reason to question Mr Thomas's integrity. She described Mr Thomas as a kind, caring and very hard-working teacher who never deliberately failed to safeguard the welfare of any pupil. She stated that he had made errors of judgment and had paid very dearly and disproportionately as a result.

Individual B gave evidence that she had known Mr Thomas for a long time since he had been with the School since 2006. She stated that he was a "fantastic teacher who was a valued member of his department. He was trusted and well respected by both staff and students and prior to this incident I did not have any concerns regarding Mr Thomas." The panel also saw a witness statement from the [REDACTED] who stated that she had known Mr Thomas in a professional capacity for six years and found him to carry out his role to a high standard. She stated that he had excellent attendance and punctuality and had excellent relationships with students and their parents. Prior to the issues being raised that were the subject of the School's investigation she had no concerns regarding Mr Thomas.

Mr Thomas has recognised that there are matters that he would do differently, for example, not communicating outside of school hours and being more reserved in his tone of communication. He has stated that he recognised that increasing the personal connection with Pupil A was a mistake that he regretted and chastised himself for. The panel was concerned that Mr Thomas sought to shift some of the blame for his actions onto the School for not having alerted him to the possibility of Pupil A developing an infatuation with him. This possibility ought to have been apparent to him, without the School having had to make this plain. Mr Thomas concluded his statement for this hearing with "I ultimately accept wrongdoing, but know that it was the product of being let down by the school and personally misguided at an unprecedented and difficult time." The panel was also concerned that Mr Thomas did not recognise the need for each incident of concern to have been reported, and seemed to believe it was enough that there was already a general awareness of concerns. The panel did not believe that Mr Thomas had demonstrated empathy with the perspective of Pupil A, and that his actions had the potential to leave her without appropriate support.

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 Thomas 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 Thomas. The concealment of his actions, and putting his own interests above those of Pupil A were significant factors 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 or a longer period before a review is appropriate. This is not such a case.

The panel considered that this was a case in which Mr Thomas should have the opportunity to reflect upon the findings. Mr Thomas had developed a degree of insight into what he should not do in the future. However, the panel did not feel that his insight had been fully developed at this stage in understanding the potential consequences for the pupil.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period after two years.

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

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found the majority 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, I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Thomas is in breach of the following standards:

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

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

"The panel was satisfied that the conduct of Mr Thomas fell significantly short of the standard of behaviour expected of a teacher. It showed a fundamental disregard for the School's policies and procedures including those relating to safeguarding."

The findings of misconduct are serious, "The panel considered that this was a situation in which some (but not necessarily all) of the matters found proven could be described as low level concerns, that had they been isolated incidents would not have ordinarily met the threshold for intervention. However, the panel considered that the cumulative effect of repeated behaviours and the pattern of behaviour in establishing a close and personal relationship with Pupil A led the panel to conclude that those behaviours would amount to unacceptable professional conduct. There were certain behaviours that the panel considered were in themselves sufficiently serious to constitute unacceptable professional conduct, such as holding Google Meets outside School hours for a significant period of time, and deliberately deciding not to record those meetings; providing Pupil A with his mobile telephone number without reporting that Pupil A required additional support and his use of nicknames having the effect of creating an informal special relationship with Pupil A."

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

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of breaching appropriate professional boundaries and failing to report safeguarding concerns." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Thomas had developed a degree of insight into what he should not do in the future. However, the panel did not feel that his insight had been fully developed at this stage in understanding the potential consequences for the pupil." In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Thomas were not treated with the utmost seriousness when regulating the conduct 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 Thomas himself, the panel comment "Mr Thomas did have a previously good history, there having been no previous disciplinary findings against him. The panel was presented with no evidence of Mr Thomas, however, having demonstrated exceptionally high standards in both his personal and professional conduct or that he contributed significantly to the education

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

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Thomas 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 two year review period. I have considered the panel’s comments “The panel considered that this was a case in which Mr Thomas should have the opportunity to reflect upon the findings.”

I have considered whether a longer review period or not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a two year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the pattern of repeated behaviours and the lack of full insight.

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

**This means that Mr Andrew Thomas 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 30 March 2025, two 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 Thomas remains prohibited from teaching indefinitely.

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

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



**Decision maker: John Knowles**

**Date: 24 March 2023**

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