



Teaching
Regulation
Agency

Mr Jeremy Fow: Professional conduct panel meeting outcome

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

April 2023

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

Teacher:	Mr Jeremy Fow
Teacher ref number:	9338900
Teacher date of birth:	8 March 1967
TRA reference:	19182
Date of determination:	24 April 2023
Former employer:	Windlesham House School

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 April 2023 remotely via Microsoft Teams to consider the case of Mr Fow.

The panel members were Ms Geraldine Baird (lay panellist – in the chair), Mr Ian McKim (lay panellist) and Ms Victoria Jackson (teacher panellist).

The legal adviser to the panel was Ms Sarah Price of Blake Morgan solicitors.

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

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 6 February 2023.

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

1. On or around 5 February 2020 he was convicted of:
 - a. five offences of recording a person doing a private act;
 - b. four offences of taking an indecent photograph/pseudo photograph of a child;
 - c. one offence of making an indecent photograph/pseudo photograph of a child.

Mr Fow admitted the allegation and that it amounted to a conviction of a relevant offence.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

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

Section 2: Notice of referral, response and notice of meeting – pages 6 to 15

Section 3: Statement of agreed facts and presenting officer representations – pages 16 to 19

Section 4: Teaching Regulation Agency documents – pages 20 to 37

Section 5: Teacher documents – pages 38 to 39

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Fow on 28 July 2021.

Decision and reasons

The panel carefully considered the case and reached a decision.

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

Mr Fow had been employed as a teacher at various schools between 2008 and 2018. Mr Fow was arrested on 11 October 2018 in connection with a separate matter and during a search of his home, photographs and videos were discovered by police.

Findings of fact

The findings of fact are as follows:

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

You have been convicted of a relevant offence at any time in that:

- 1. On or around 5 February 2020 you were convicted of:**
 - a. five offences of recording a person doing a private act;**
 - b. four offences of taking an indecent photograph/pseudo photograph of a child;**
 - c. one offence of making an indecent photograph/pseudo photograph of a child.**

The allegation was admitted and was supported by evidence presented to the panel within the bundle. The panel was provided with a copy of the Certificate of Conviction as proof of the commission of the offences concerned.

The allegation was therefore, found proved.

Findings as to conviction of a relevant offence

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the behaviours involved in committing the offences were relevant to teaching and working with children and could have had an impact on the safety of pupils.

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

The panel noted that Mr Fow's behaviour ultimately led to a sentence of imprisonment which was indicative of the seriousness of the offences committed. The panel noted that Mr Fow was sentenced to 3 years imprisonment and made subject to a Sexual Harm Prevention Order for life and ordered to sign the Sex Offenders Register.

This was a case involving multiple offences of voyeurism and activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one off incidents, which the Advice states is likely to be considered a relevant offence.

The panel also took into account the comments about Mr Fow's [REDACTED], but the panel felt that many people experience such life events without committing serious criminal offences.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Fow's ongoing suitability to teach. The panel considered that a finding

that this conviction was for one or more relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

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

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

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

There was a strong public interest consideration in respect of the protection of pupils given the serious findings that related to recording and making images of children.

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

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

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Fow. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image, or pseudo photograph or image, of a child, or permitting such activity, including one-off incidents;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;
- dishonesty or a lack of integrity, including the deliberate concealment of their action or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;

Even though the behaviours found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The Judge also commented "*I take the view that a series of offences of this kind, committed over a course of years in a flagrant breach of trust, can only be dealt with by a sentence of immediate custody*".

The panel was not provided with any evidence regarding Mr Fow's previous history or his abilities as a teacher. However, it was submitted on his behalf during the criminal proceedings that he was a teacher with an unblemished record.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Fow 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 Fow. The findings of serious misconduct, which included recording and taking images of children, 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 to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child and any sexual misconduct involving a child. The panel found that Mr Fow was responsible for five offences of recording a person doing a private act, four offences of taking an indecent photograph/pseudo photograph of a child and one offence of making an indecent photograph/pseudo photograph of a child. The panel noted that when Mr Fow was sentenced, the Judge found that the conduct was for his own sexual gratification.

Mr Fow provided a written letter dated 7 September 2020 in which he stated "*I have already admitted guilt to the allegations...*". He further stated that "*[I] can only apologise to the profession for letting everyone down so badly. I live with this 'shame' every day of my life*". In a letter dated 8 July 2021, Mr Fow wrote "*Again, I am thoroughly ashamed of what happened and extremely remorseful*". The panel noted that the Mr Fow had not demonstrated any remorse or insight in to how his actions could have impacted the children that were involved.

Mr Fow's conduct that led to his conviction occurred over a lengthy period of time and as a result he was convicted for 3 years and made subject to a Sexual Harm Prevention Order for life.

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 provision 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 Jeremy Fow should be the subject of a prohibition order, with no provision for a review period.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved, including "failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE)"

The panel finds that the conduct of Mr Fow fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding that related to recording and making images of children

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Fow, 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/or safeguard pupils. The panel has observed, "The panel noted that the behaviours involved in committing the offences were relevant to teaching and working with children and could have had an impact on the safety of pupils." and the panel said "There was a strong public interest consideration in respect of the protection of pupils given the serious findings that related to recording and making images of children." 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 Fow provided a written letter dated 7 September 2020 in which he stated *"I have already admitted guilt to the allegations..."*. He further stated that *"[I] can only apologise to the profession for letting everyone down so badly. I live with this 'shame' every day of my life"*. In a letter dated 8 July 2021, Mr Fow wrote *"Again, I am thoroughly ashamed of what happened and extremely remorseful"*. The panel noted that the Mr Fow had not demonstrated any remorse or insight in to how his actions could have impacted the children that were involved." In my judgement, the lack of full insight or remorse related to the impact on children 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 also took account of the way the teaching profession is viewed by others. The panel considered that Mr Fow's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community." I am particularly mindful of the finding of a relevant conviction involving indecent images of children 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 Fow himself and the panel comment “The panel was not provided with any evidence regarding Mr Fow's previous history or his abilities as a teacher. However, it was submitted on his behalf during the criminal proceedings that he was a teacher with an unblemished record.”

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

In this case, I have placed considerable weight on the panel's comments “The panel found that Mr Fow's actions were deliberate. The panel was not provided with any evidence that he was acting under duress. The panel noted that the conduct that led to the conviction took place over a period of time and occurred at a number of different schools. The panel was provided with a copy of the sentencing remarks, within which the Judge commented “*The main offences took place at three different schools, where you were employed as a teacher.*” He further stated “*...you kept all of these records, and they were only discovered by the police in 2018. What you were doing is of course in the course of your employment, and that, as you will appreciate readily, Mr Fow, is a very significant aggravating feature.*”

I have also placed considerable weight on the finding of the panel that “Mr Fow's conduct that led to his conviction occurred over a lengthy period of time and as a result he was convicted for 3 years and made subject to a Sexual Harm Prevention Order for life.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Fow 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 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 behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child and any sexual misconduct involving a child. The panel found that Mr Fow was responsible for five offences of recording a person doing a private act, four offences of taking an indecent photograph/pseudo photograph of a child and one offence of making an indecent photograph/pseudo photograph of a child. The panel noted that when Mr Fow was sentenced, the Judge found that the conduct was for his own sexual gratification."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of full insight or remorse related to the impact his actions had on the children involved.

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

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 27 April 2023

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