



Teaching
Regulation
Agency

Mr Lee Myers: Professional conduct panel 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 Lee Myers
Teacher ref number:	145834
Teacher date of birth:	13 February 1980
TRA reference:	17810
Date of determination:	28 April 2023
Former employer:	Oldershaw Academy, Wirral

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 to 28 April 2023, to consider the case of Mr Lee Myers.

The panel members were Mr Terry Hyde (former teacher panellist – in the chair), Ms Charlotte Kelly (lay panellist) and Mr John Martin (teacher panellist).

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

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson LLP solicitors.

Mr Myers was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 31 January 2023 as amended by the panel.

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

1. Whilst employed as a teacher at the Oldershaw Academy in Wirral between 2008 and 2016, he failed to maintain appropriate professional boundaries with one or more pupils and/or former pupils, namely by;
 - a. contacting Pupil A on her personal mobile phone;
 - b. making physical contact with Pupil A by:
 - i. placing your hand on and/or squeezing Pupil A's neck;
 - ii. placing your hand down the back of Pupil A's top and/or underneath Pupil A's bra strap;
 - iii. hitting Pupil A's head and/or arm;
 - iv. kissing Pupil A;
 - v. placing your hand on Pupil A's leg;
 - vi. grabbing Pupil A's head and/or pulling Pupil A towards him;
 - vii. taking hold of Pupil A's hand and/or placing Pupil A's hand underneath and/or over his trousers;
 - c. making one or more inappropriate comments towards Pupil A, such as:
 - i. "stop being a faggot" or using words to that effect;
 - ii. "don't be boring" or using words to that effect;
 - iii. asking Pupil A about her own sexual experiences;
 - iv. suggesting to Pupil A that he and Pupil A should get a hotel room together;
 - v. suggesting to Pupil A that he and Pupil A could go out for drinks in Liverpool;
 - vi. discussing the size of Pupil A's breasts;
 - vii. commenting on the appearance of Pupil A's sibling;
 - viii. suggesting to Pupil A that he had "slept" with a member of staff at the school;
 - d. asking Pupil A and/or Pupil D to engage in sexual activity;
 - e. telling Pupil A to get the train and offering to pick her up;

- f. allowing Pupil A and/or Pupil D in his car;
 - g. taking Pupil A and /or Pupil D to Liverpool;
 - h. offering to purchase alcohol for Pupil A and/or Pupil D.
2. His behaviour as may be found proven at allegation 1 above:
- a. was conduct of a sexual nature and/or was sexually motivated;
 - b. demonstrated a lack of insight into previous concerns which were raised regarding maintaining professional boundaries with students in or around 2008.

Mr Myers denied the allegations and denied that he is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Proceeding in absence and admission of additional documents

The presenting officer applied to admit a number of documents that were not served in accordance with paragraph 4.20 of the Teacher misconduct: disciplinary procedures for the teaching profession updated April 2018 (“the Procedures”). These documents consisted of: documents relevant to the consideration of the presenting officer’s application to proceed in the teacher’s absence (i.e. those containing representations by Mr Myers and those relating to the service of the notice of proceedings and hearing bundle); a signed statement of Pupil C and a signed statement of a subject leader at the Halewood Academy; correspondence with Mr Myers regarding the presenting officer’s proposed application to amend the allegations; and correspondence with Mr Myers regarding the presenting officer’s proposed application to admit additional documents. At the outset of the hearing, the panel decided that it would be fair to admit those documents that confirmed Mr Myers had no objection to the admission of the additional documents and those that were relevant to the application to proceed in the teacher’s absence. The panel reserved its position regarding admission of other documents until the panel had determined the presenting officer’s application to proceed in Mr Myers’ absence.

The panel considered whether this hearing should continue in the absence of Mr Myers.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19 (a) to (c) of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”). The panel noted that although the notice of proceedings of 31 January 2023 was sent by email only, the notice was also contained in the TRA’s proposed panel bundle sent by first class recorded delivery to Mr Myers for comment on 8 February 2023. This provided more than the requisite 8 weeks’ notice of the hearing and fulfilled the service requirements.

The panel was also satisfied that the notice of proceedings complied with paragraphs 4.11 and 4.12 of the Procedures.

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

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

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1.

1. In written representations dated 13 April 2023 provided by Mr Myers, he explained that the impact of the allegations against him have had [REDACTED] and asked that the panel consider his evidence by way of written representations and for his statement to be considered when deciding the facts of the case and the possible outcome. [REDACTED]. The panel noted that Mr Myers had responded to the notice of proceedings on 27 February 2023 confirming that he did not intend to be present at the hearing, although at that point anticipated being represented by a union representative. On 27 March 2023, a union representative confirmed that it was no longer instructed to represent Mr Myers although on 17 April 2023 provided Mr Myers' written representations and confirmed that Mr Myers would not be present at the hearing and his evidence would be presented by those representations only. On 19 April 2023, Mr Myers forwarded a copy of that email and stated "as per their email I will not be attending the hearing as set out in written representations." The panel therefore considered that Mr Myers had waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.
2. There was no application for an adjournment for Mr Myers to participate in the proceedings in the future, and it was not envisaged that an adjournment would result in Mr Myers' attendance.
3. Mr Myers made no request for an adjournment in order to be represented at a future hearing date.

4. The panel had the benefit of written representations made by the teacher and was able to ascertain the lines of defence. The panel also had the benefit of evidence given by Mr Myers in an earlier criminal trial arising from the same incidents. The panel had Mr Myer's evidence addressing mitigation and was able to take this into account at the relevant stage. The panel noted that all witnesses relied upon were to be called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, as were reasonably available on the evidence. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's oral account.
5. There was little risk of the panel reaching an improper conclusion regarding the reason for Mr Myers' absence as this had been set out by Mr Myers and [REDACTED].
6. The panel recognised that the allegations against the teacher were serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that Mr Myers ought to be prohibited from teaching.
7. The panel recognised that the efficient disposal of allegations against teachers was required to ensure the protection of pupils and to maintain confidence in the profession. The witnesses involved and the schools at which Mr Myers taught would have an interest in this hearing taken place in order to move forwards.
8. The panel also noted that there were 3 witnesses who were prepared to give evidence by virtual means, and that it would be inconvenient, and possibly distressing, for them to prepare themselves again if the hearing was adjourned. Some considerable time had already passed since the matters referred to in the allegations and delaying the case further may impact upon the memories of those witnesses.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of:

Mr Myers' waiver of his right to appear;

by taking such measures referred to above to address that unfairness insofar as is possible; and

taking account of the inconvenience an adjournment would cause to the witnesses;

that on balance, these were serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing.

The panel then considered the application to admit the balance of the additional documents. The panel decided that it was fair to admit Mr Myers' representations regarding the proposed amendment to the allegations and that this was relevant to the panel's consideration of the presenting officer's proposed application. The panel also decided that it would be fair to admit the signed statements of Pupil C and [REDACTED] at Halewood Academy. The panel noted that draft statements of both witnesses had been adduced in the original panel bundle and that it was important for the panel to have statements that had been approved by those witnesses. Both witnesses were to be called to give oral evidence and could be cross-examined on the contents of their statements. The panel therefore admitted the entire bundle of additional documents.

Amendment of allegations

The presenting officer applied to: amend the stem of allegation 1 to add the words "and/or former pupils" after the words "one or more pupils"; and to amend allegation 1.b.vi to add the words "and/or over" after the word "underneath". The panel had seen an email from Mr Myers confirming that he had no objection to the amendment and confirmed that his response to the allegations remained the same. The panel decided that it was in the interests of justice to amend the allegations as proposed. The panel was satisfied that there was no prospect of Mr Myers presenting his case differently had the amendment been made at an earlier stage.

The presenting officer was also invited to make representations as to whether the words "including by" in the stem of allegation 1 should be amended to "namely by". The presenting officer confirmed that this would not impact upon his presentation of the case. The panel decided to make this amendment in order that the parameters of the allegation were clear.

The panel also corrected the numbering of the allegations since the numbering in the allegations contained in the notice of hearing were not consecutive.

Special measures for Pupil A

Pursuant to paragraph 4.71 of the Procedures, the presenting officer applied for Pupil A to be a vulnerable witness and for a witness supporter to be in attendance. The panel was satisfied that Pupil A was a witness whose quality of evidence was likely to be adversely affected since the allegation against Mr Myers was of a sexual nature and Pupil A was the alleged victim. The panel was content for Pupil A to give oral evidence as there was no evidence that doing so would be prejudicial to Pupil A's welfare. The panel was satisfied that the attendance of a witness supporter would safeguard the interests of Pupil A. The panel therefore acceded to the application.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 5 to 6

Section 2: Notice of proceedings and response – pages 7 to 19

Section 3: Teaching Regulation Agency witness statements – pages 20 to 68

Section 4: Teaching Regulation Agency documents – pages 70 to 362

In addition, the panel agreed to accept an additional documents bundle consisting of:

Section 5: Teacher's documents – pages 365 to 387

Section 6: Additional documents submitted by the Teaching Regulation Agency – pages 388 to 403

Email correspondence between Teaching Regulation Agency and teacher of 21 April 2023 – pages 404 to 405

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit. The panel also viewed the video and aural recordings provided as part of the hearing bundle.

Witnesses

The panel heard oral evidence from Pupil A and Pupil C, both former pupils of the Oldershaw Academy ("the School") and from a [REDACTED] at the Halewood Academy, all called by the presenting officer.

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 Myers commenced his employment as an ICT teacher at the Halewood Academy in September 2002. In August 2008, Mr Myers ceased his employment at the Halewood Academy. Mr Myers commenced his employment as an ICT teacher at the School on 1 September 2008. In April 2016, Mr Myers was interviewed by the police. On 15 April 2016, Mr Myers was made redundant from the School. In July 2017, a criminal trial of

charges against Mr Myers took place and Mr Myers was acquitted of all counts against him.

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. Whilst employed as a teacher at the Oldershaw Academy in Wirral between 2008 and 2016, he failed to maintain appropriate professional boundaries with one or more pupils and/or former pupils, namely by:**
 - a. contacting Pupil A on her personal mobile phone;**

During the criminal trial, a number of facts were agreed between the prosecution and Mr Myers. These included that an examination of Pupil A's phone had revealed a number of text messages between Pupil A and Mr Myers between 4 March 2016 and 1 April 2016. All of the messages save for the last three had been deleted. The tone of the messages was informal and it is apparent that the text messages were a continuation of a dialogue that pre-dated the exchange of text messages that had been found.

Mr Myers admitted contacting Pupil A, but not that this was inappropriate. His representations state that he had received text messages from an unknown number, and it was only after Pupil A requested a reference from him that he had appreciated that the messages were from Pupil A and that he had "clearly contacted her on a mobile phone".

Amongst the text messages found on examination of Pupil A's phone was an exchange regarding Mr Myers providing a reference for Pupil A dated 8 March 2016. However, Mr Myers was clearly aware of the identity of Pupil A prior to that since Mr Myers had sent messages to her on 4 March 2016, for example "Really well done, congrats." and "How mate". The panel inferred from these messages that Mr Myers was aware of the person with whom he was communicating prior to the exchange regarding the reference.

Pupil A gave evidence that she had received a telephone call from an unknown number. When she answered it, she did not realise at first that it was Mr Myers but, when he identified himself, she ended the call. Pupil A stated that she had been with Pupil C at the time but when Pupil C had asked who had called, she told Pupil C that it was no one, because she thought Pupil C would question her about why Mr Myers had her phone number.

Towards the end of year 11, Pupil A stated that she had received a text that was simple and said something like "hi". She stated that she did not know who had sent the text. However, during the course of the lesson, Mr Myers said to Pupil B "don't you hate it when you get ignored by girls". Around 5 minutes later, Pupil A stated that she had

another text message from the same number which stated “Yes, I’m talking about you by the way.”

Pupil A stated that during [REDACTED] and [REDACTED], Mr Myers sent her text messages every few days. She stated that she had told him he would have to stop because it was not right, and it was making her feel uncomfortable.

Pupil A stated that on one occasion, Mr Myers had taken her phone from her when it was unlocked on the table. She stated that she tried to get her phone back, but Mr Myers put his foot out. She stated that he looked at something on her phone and his face dropped. When Pupil A was given the phone back she stated that all of the messages from Mr Myers had been deleted. Ten minutes later, Mr Myers said he needed to speak with her about something and asked “why have you still got the messages off me”. She responded that she did not delete messages off anyone. She stated that Mr Myers said, in an angry way, to delete the message from him next time.

The panel noted that Pupil A’s account was consistent with the evidence Pupil A gave to the police in an “Achieving Best Evidence” (ABE) interview. Pupil A’s oral evidence to this panel remained consistent with her account.

The panel also heard oral evidence from Pupil C who confirmed that Mr Myers was a teacher who sought to come across as more of a friend than a teacher and that the professional boundaries that were to be expected of a teacher, were absent. She stated that she was present when Mr Myers took Pupil A’s mobile phone a few times and that when it was unlocked, he looked through it. She stated that Mr Myers took Pupil A outside the classroom during lunchtime and told Pupil A that she should not have a password on her mobile phone and that she heard him through a door that was not fully closed, saying something like “delete the text next time”. The panel probed Pupil C’s recollection of this incident and Pupil C provided a detailed explanation of where she was and where Mr Myers was at the time that she heard this. Pupil C described seeing Mr Myers through a window in the door of his classroom and the panel noted that Mr Myers himself confirmed in his representations that his door contained such a window.

Pupil C also described being in Pupil A’s bedroom, when Pupil A receiving a call from a no caller ID number. Pupil A had put her phone on speaker phone. Pupil C recognised it was Mr Myers from his voice because she had known him as her teacher for a number of years. Pupil C stated that during the call, Mr Myers asked Pupil A to meet with him at a train station and they would get a hotel or go back to his. She stated that Mr Myers had sent a message to Pupil A afterwards stating something like “I will be there shortly Alan”. The panel noted that the use of another name was consistent with other text messages that the police examination had found on Pupil A’s phone such as “You there, John?” and “Bloody hell, what’s the point lad?” This would be consistent with Mr Myers seeking to conceal that his messages were directed to Pupil A.

Pupil C was also present when Mr Myers made the comment to the effect of “do you love it when people ignore your texts”. She also described a further call in which she recognised Mr Myers’ voice, commenting that he wanted to see Pupil A and that he could not wait for the [REDACTED].

The panel did not find Mr Myers’ explanation credible, since, as referred to above, it was undermined by the contents of the messages that it had been agreed that the police examination had found on Pupil A’s phone. The panel observed the consistency of the evidence of Pupil A and Pupil C, and that both witnesses were consistent in the accounts they had given during their ABE interviews, their witness statements for these proceedings and their oral evidence.

The panel found that Mr Myers had contacted Pupil A on her personal mobile phone and that his text messages and phone conversations with her breached appropriate professional boundaries.

The panel found this allegation proven.

b. making physical contact with Pupil A by:

i. placing your hand on and/or squeezing Pupil A’s neck;

Pupil A stated that in 2016, she had been in Mr Myers’ classroom, and Mr Myers had asked Pupil B to leave to do a job for him. She stated that she had been looking at her mobile phone and Mr Myers had said “look at me” and came over to her. She stated that Mr Myers had put his hand on her neck and squeezed it from around 5 seconds, which caused her pain.

Mr Myers accepted that this could have occurred but not in the manner suggested by Pupil A. He stated that he tried to be a funny and approachable teacher who tried to get on with students. He stated that, at times, this involved “banter” and trying to diffuse situations with humour. He stated that if he found students were distracted, he would tap them on the head or back of the neck. He stated that he had, at times, squeezed the back of Pupil A’s neck as he had done with most students in order to get their attention. The prosecution in the criminal trial summarised Mr Myers’ police interview for the jury. This stated that Mr Myers was asked “was squeezing the back of the neck, is that one of the things that you’d do?” to which Mr Myers is said to have responded “Yeah, I have done, yeah.”

In Pupil C’s police interview, she stated that she had seen Mr Myers massaging Pupil A’s neck. The panel was struck by Pupil C’s evidence that Mr Myers would sometimes be in a mood of purporting to playfight with Pupil A. In oral evidence, she stated that on the occasions that she observed this, she could see that the force used by Mr Myers hurt Pupil A, that this was visible and not nice to watch. She stated that Mr Myers’ was well-built in comparison to Pupil A. On reflection, she no longer views Mr Myers’ actions as rough and tumble, based on her observations, it seemed more intended to hurt Pupil A.

The panel found it proven that it was more likely than not that Mr Myers had made physical contact with Pupil A by squeezing her neck. The panel could see no justification for this physical contact and therefore found that this breached appropriate professional boundaries.

The panel found this allegation proven.

ii. placing your hand down the back of Pupil A's top and/or underneath Pupil A's bra strap;

Pupil A stated that on the same occasion when Mr Myers had put his hand on her neck and squeezed it, he had then put his hand down her back and underneath her bra strap. She stated that she had moved his hand quickly, stood up and said that Mr Myers should not have done that. She stated that Mr Myers laughed and said "don't be like that, don't be boring" and that Pupil A had explained that she wasn't being boring, but that she did not feel comfortable with Mr Myers' actions.

Pupil C stated that Pupil A had told her at the time, that Mr Myers had done something to her, "like put his hands down her top and tried to undo her bra." She stated that after that, Pupil A had stopped going to her form base.

Mr Myers stated that he strongly denied this allegation, that the cross examination of Pupil A in the criminal proceedings had revealed that Pupil A had explained that she had been wearing a high-necked tight-fitting cotton dress at the time. He also referred to the unlikelihood of this taking place when it was said to have happened during break time, in a room with a door that contained a window through to a busy corridor within the school building. The panel did not see the cross-examination of Pupil A during the criminal trial, although noted that this could have been adduced by Mr Myers if he sought to rely upon it.

The panel did, however, have the opportunity to question Pupil A regarding the incident. The panel noted the consistency between Pupil A's written and oral account for these proceedings and the account she gave during her ABE police interview. Similarly, the panel noted the consistency of Pupil C's account of having been told this by Pupil A. The panel noted that an agreed statement by Pupil A's mother had been read to the jury in the criminal trial and that this was an incident that Pupil A had reported to her mother, when she raised concerns regarding the actions of Mr Myers.

Given the consistency of Pupil A's account, and the evidence of Mr Myers crossing boundaries in other ways, the panel found it more likely than not that this incident occurred. This was a clear breach of appropriate professional boundaries.

The panel found this allegation proven.

iii. hitting Pupil A's head and/or arm;

Pupil A stated that on more than one occasion, Mr Myers pretended to punch her arm. On one day, he had actually punched her arm and it had hurt. She stated that Mr Myers had told her to stop being so miserable and “being a faggot”. She stated that he had said that he was only having a joke. In oral evidence, Pupil A stated that there had been no reason for Mr Myers to have punched her arm, she had just been walking past.

She stated that he had also hit her on the head, and indicated the position on her head that had been hit.

As referred to above, Pupil C described Mr Myers engaged in what might be described as playfighting with Pupil A, that he pinned Pupil A against the wall, placed her in a headlock and punched her arms and legs. As referred to above, Pupil C described her perception that Mr Myers hurt Pupil A.

Mr Myers has made representations that the alleged matters could have occurred and referred to his general approach of engaging in “banter” with students in which he would tap students on the head or the back of the neck.

Given Mr Myers’ admission that this could have occurred, and the evidence of both Pupil A and Pupil C that this had happened, the panel considered that it was more likely than not that Mr Myers had hit Pupil A’s head and/or arm. The panel could see no justification for this physical contact and therefore found that this breached appropriate professional boundaries.

The panel found this allegation proven.

iv. kissing Pupil A;

The events giving rise to this allegation were not reported by Pupil A during her initial ABE police interview in April 2016 but formed part of further allegations made by Pupil A which were discussed with her during an ABE police interview on 25 January 2017.

Pupil A stated that Pupil D had asked Mr Myers to take them home from school after the end of the school day. She stated that they had both been about to get into the back of his car, but Mr Myers stated that they could not sit in the back together and that one of them had to sit in the front. Pupil D asked Pupil A to sit in the front. She stated that after around 10 – 15 minutes, Mr Myers started to drive towards Liverpool, in the opposite direction to where they lived. She stated that she had asked Mr Myers where he was taking them, and he said that he needed to return some shoes to a shop in Liverpool. She stated that she had asked why Mr Myers did not take her and Pupil D home, then return his shoes, since he lived in Liverpool, and that Mr Myers had said that he did not mind as he had nothing to do.

She stated that Mr Myers had driven to an underground car park and Pupil D had left the car briefly. She stated that Mr Myers had squeezed the top of her leg and that she had

told Mr Myers to get off, he had asked why and laughed. She stated that she was scared. When Pupil D returned to the car, Mr Myers exited to return his shoes.

When Mr Myers returned to the car, Pupil A stated that she wanted to go home, to which Mr Myers had said "you bore". Pupil A stated that for around an hour, Mr Myers had driven around Liverpool and kept calling her a "bore" as she wanted to go home.

Pupil A stated that Mr Myers had talked about who he had slept with and where. She stated that Mr Myers had asked Pupil D and Pupil A to sit on him and if they would perform sexual acts on him. She stated that they said no, and Mr Myers stated that he would get Pupil D a bottle of vodka if she would do it. She stated that Pupil D had said that she would, and Mr Myers went to get a bottle of vodka. Mr Myers then said, "I've got you that, you've got to do what I want." She stated that Pupil D had said "no", and put the bottle of vodka in her bag. She stated that Mr Myers had asked her why she would not do it, and Pupil D said it was because she did not want to. Pupil A stated that Mr Myers had said "you two are boring me" and continued driving.

Pupil A stated that Mr Myers had stopped the car, got out and went around to Pupil D's door, that he had grabbed Pupil D's head and pulled it towards him but Pupil D moved her head back. She stated that Mr Myers got back in the car and started driving again. She stated that they had stopped again and Pupil D had got out of the car, saying that someone was ringing her and that she needed to speak with them.

Pupil A stated that she had stayed in Mr Myers' car but had not shut the car door properly. She stated that Mr Myers had asked if she was scared and she had replied "no". Mr Myers asked why she was not looking at him and she stated that she had put her head down. He asked her to look at him again a second and third time. Whilst she was looking down, she stated that Mr Myers had grabbed her head and kissed her. She stated that she tried to pull away, but because Mr Myers used both his hands and was pinching the back of her neck, it was hurting. She stated that she had "got off Mr Myers" and asked him to take her home. She stated that Pupil D had got back in the car, and Mr Myers took them to Pupil D's home first, where Pupil A had got out, and had her father pick her up. In oral evidence, Pupil A clarified that in saying she "got off Mr Myers", she meant that she had moved herself away from him.

The panel noted that a police case summary describes that Pupil D had been spoken with and provided a statement. The statement was not seen by the panel, and the panel only had the account of Pupil D as presented in the police case summary. No evidence has been given for this hearing either by Pupil D or by the police officer who prepared the case summary. The panel noted that there were aspects within the summary of Pupil D's evidence that were inconsistent with Pupil A's account, but also aspects that would be prejudicial to Mr Myers' case. The panel decided that it would not be fair to admit the account of Pupil D as summarised in the police case summary. Pupil D could not be questioned about the evidence, nor could the police officer who prepared the summary be asked to confirm that the account had been summarised accurately.

During his police interview, Mr Myers admitted that Pupil A and Pupil D had asked him for a lift home from school, that he had agreed to do so and that since he had an errand to run in Liverpool, they had asked if he could take them shopping in Liverpool. He stated that when they had reached Liverpool, Pupil A and Pupil D had refused to get out of the car which had made him feel uncomfortable. In his representations for these proceedings, Mr Myers denied that he had kissed Pupil A and raised the question that, if it had happened, why Pupil A did not leave the car or call for help, stating that Pupil A had plenty of opportunity to exit any situation where Pupil A felt uncomfortable.

The panel noted that Pupil A had not raised these matters during her first ABE interview. However, the panel appreciated that this did not necessarily affect the credibility of her account given her age at the time and the distress Pupil A would likely have experienced in raising these concerns.

Whilst Pupil A's account is uncorroborated, given that the panel has decided to exclude the evidence of Pupil D, the panel found that Pupil A's account in her ABE interview and the account she gave in these proceedings was consistent. Furthermore, the suggestions made by Mr Myers during this incident in proposing that Pupil A and D perform sexual acts on him was consistent with the evidence of Pupil C that, on another occasion, she had heard Mr Myers proposing to Pupil A that they get a hotel or go to his home. Mr Myers accepted driving Pupil A in his car, and had already displayed his willingness to breach professional boundaries by doing so. The panel found that the account of Mr Myers kissing Pupil A was consistent with his earlier conduct in having unnecessary physical contact with her. The panel found that it was more probable than not that Mr Myers had kissed Pupil A, and that this was a breach of appropriate professional boundaries.

The panel found this allegation proven.

v. placing your hand on Pupil A's leg;

This allegation is said by Pupil A to have occurred during the incident referred to in respect of allegation 1.b.iv. above.

Mr Myers strongly denied this allegation. He asserted that Pupil A had stated that this had happened whilst Pupil D had gone to get a ticket for the car in the underground car park. He stated that Pupil A had said during cross-examination that this took place in the Liverpool One car park, where the ticket is given to the driver on the entry to the car park for payment when leaving the car park at a pay station.

No evidence was adduced as to the system in place at the time in the Liverpool One car park for obtaining a car park ticket, nor that Liverpool One was the car park in question. Furthermore, evidence of Pupil A's cross-examination has not been adduced if Mr Myers sought to rely upon it. The panel noted that in Pupil A's ABE interview, Pupil A stated that she did not know Liverpool and she did not know which car park it was, but that it was by

the Echo Arena. As such it is possible that she may have been mistaken about the car park at which this event is said to have occurred. The representative's summary of Pupil A's cross-examination also suggests Pupil A acknowledged she may have been confused as to which car park they were in. Alternatively, Pupil A may have been mistaken as to the reason Pupil D left the car.

As referred to above, whilst Pupil A's account is uncorroborated, given that the panel has decided to exclude the evidence of Pupil D, the panel found that Pupil A's account in her ABE interview and the account she gave in these proceedings was consistent. The panel considered it more probable than not that at some point Pupil D had left the car. Furthermore, Mr Myers' actions during this incident was consistent with the evidence of Pupil C that, on another occasion, she had heard Mr Myers proposing to Pupil A that they get a hotel or go back to his home. Mr Myers accepted driving Pupil A in his car, and had already displayed his willingness to breach professional boundaries by doing so. The panel found that the account of Mr Myers placing his hand on Pupil A's leg was consistent with his earlier conduct in having unnecessary physical contact with her. The panel found that it was more probable than not that Mr Myers had placed his hand on Pupil A's leg, and that this was a breach of appropriate professional boundaries.

The panel found this allegation proven.

vi. grabbing Pupil A's head and/or pulling Pupil A towards him;

The occasion on which this allegation is said by Pupil A to have occurred was during the incident referred to in respect of allegation 1.b.iv. above immediately prior to kissing her.

Mr Myers stated that he strongly denied this allegation, but mistakenly addressed the incident that was said to have happened in the classroom when Pupil A stated that Mr Myers had squeezed her neck and put his hand underneath her bra strap.

Since it is apparent that Mr Myers denies Pupil A's account of what happened whilst she was in his car, the panel understood Mr Myers to deny that he had acted as alleged.

As referred to above, whilst Pupil A's account of the incident in the car is uncorroborated, given that the panel has decided to exclude the evidence of Pupil D, the panel found that Pupil A's account in her ABE interview and the account she gave in these proceedings was consistent. Furthermore, Mr Myers' actions during this incident were consistent with the evidence of Pupil C that, on another occasion, she had heard Mr Myers proposing to Pupil A that they get a hotel or go back to his home. Mr Myers accepted driving Pupil A in his car, and had already displayed his willingness to breach professional boundaries by doing so. The panel found that the account of Mr Myers grabbing Pupil A's head and/or pulling Pupil A towards him was consistent with his earlier conduct in having unnecessary physical contact with her. The panel found that it was more probable than not that Mr Myers had acted as alleged, and that this was a breach of appropriate professional boundaries.

The panel found this allegation proven.

vii. taking hold of Pupil A's hand and/or placing Pupil A's hand underneath and/or over his trousers;

Pupil A stated that around the start of [REDACTED], she had been in Mr Myers' classroom with another pupil. She stated that her friend had left the classroom and Pupil A had stood up to leave as well, but Mr Myers said that he needed to talk to her about something that had happened in maths. She stated that she sat back down and Mr Myers said "why are you being really weird with me." She stated that she responded "well you're being a bit of a weirdo and I don't like it". She stated that Mr Myers had said that he was not, and that he was being normal to which she responded that he was making her feel really uncomfortable. She stated that Mr Myers said something like "come on, don't be like that". She stated that she had sat down and Mr Myers grabbed her wrist with what she thought was his right hand. He moved his hand up the back of her palm and she tried to move away but could not because he had such a strong grip. She stated that Mr Myers put her hand "on his by his penis over his trousers" and she moved it away. She stated that she felt scared and anxious. She stated Mr Myers had said "come on don't be boring, let's just have a laugh" and that she had told Mr Myers that she wanted him to stop it and walked out of his classroom.

The panel noted that Pupil B gave evidence during the criminal court trial. Pupil B did not give evidence in the present proceedings. However, the panel noted that Pupil B's evidence in the criminal court proceedings would likely have been given under oath or affirmation and that Mr Myers' representative cross-examined Pupil B. The panel therefore found her evidence to be admissible in these proceedings and that some weight could be attached to her evidence. It was not the sole or decisive evidence in support of any allegation. Pupil B stated that there was one occasion, when she came back after doing an errand for Mr Myers, that Pupil A had said to never leave her with Mr Myers again because he had put her hand around his genital parts, outside of his pants.

Mr Myers stated that he strongly denied this allegation.

The panel noted the consistency between Pupil A's account of this incident and the evidence she gave during the ABE interview. The panel noted the consistency between Mr Myer's alleged behaviour on this occasion and the physicality towards Pupil A that was described by Pupil C, when she observed Mr Myers physically contacting Pupil A and visibly hurting her. The panel also noted that Pupil A's account was corroborated by Pupil B who gave evidence of Pupil A having told her what had happened immediately after the incident. In her oral evidence, Pupil A was able to recount this incident in detail and was distressed by having to do so. The panel found it more probable than not that Mr Myers had took hold of Pupil A's hand and/or placed Pupil A's hand underneath and/or over his trousers and that this was a clear breach of appropriate professional boundaries.

The panel found this allegation proven.

c. making one or more inappropriate comments towards Pupil A, such as:

i. “stop being a faggot” or using words to that effect;

Pupil A’s account of this incident is referred to above in respect of allegation 1.b.iii.

Mr Myers denied using these words. He accepted that he had the sort of relationship with students whereby they would exchange banter, and that he may have said something along the lines of “stop being daft”.

The panel noted that Mr Myers accepted during his cross-examination in the criminal trial that he thought it was acceptable to use using colloquial terms such as “plonker” and “tool” in his classroom.

The panel observed the oddity of the use of this phrase towards a female, and yet Pupil A had a clear recollection of Mr Myers saying it. The panel considered it more likely than not that Mr Myers had said this, as it would otherwise be a peculiar phrase to suggest that Mr Myers had used. It was also consistent with colloquial terms used in his classroom. The panel considered that it was a breach of appropriate professional boundaries for Mr Myers to have used this phrase.

The panel found this allegation proven.

ii. “don’t be boring” or using words to that effect;

As referred to above, there were numerous occasions when Pupil A stated that Mr Myers had used this phrase, or words to that effect.

Mr Myers accepted that this could have happened, since he tried to be friends with students and tried to diffuse situations with humour and banter. He stated that he may have called someone boring at some point but could not say for definite or in what context. He denied having told Pupil A to “stop being boring” in order to coax her into allowing him to touch her inappropriately.

The panel considered that it was more likely than not that Mr Myers had used this phrase and given the context in which it was used, it was a breach of appropriate professional boundaries.

The panel found this allegation proven.

iii. asking Pupil A about her own sexual experiences;

Pupil A stated that Mr Myers had asked her if she had slept with her boyfriend and how many times they had slept together. She stated that she had told Mr Myers that he did not need to know that, and that it was none of his business.

Pupil C stated that Mr Myers asked Pupil A about her sex life with another pupil, who she had slept with, how many people she had slept with, what she had done and how far she would go. Pupil C stated that she felt uncomfortable as Pupil A's sex life should not be spoken about. She stated that Mr Myers made schoolboy comments about Pupil A having a boyfriend, that Pupil A was too good for her boyfriend and that she needed an older man.

Mr Myers denies that this occurred as suggested. He stated that students felt that they could talk to him about their lives and what was going on in them and that this would include relationship issues. He stated that at various stages of school life, sex education was taught and that this promoted some topics of conversation that were always dealt with in a meaningful and tactful manner.

Given that Pupil C corroborated Pupil A's evidence and that Pupil A and Pupil C's accounts were consistent with the evidence they gave during their ABE interviews, the panel found it more likely than not that Mr Myers had asked Pupil A about her sexual experiences. The panel found that this was a breach of appropriate professional boundaries.

The panel found this allegation proven.

iv. suggesting to Pupil A that he and Pupil A should get a hotel room together;

Pupil A gave evidence that in the summer of 2015, Mr Myers had said "you know, we get to stay in a hotel overnight, I'm going to book us a hotel and we can go out for drinks after [REDACTED]." Pupil A thought this had been said in the form room when Pupil B was present. She stated that she knew what Mr Myers was saying was not right, and that she did not know why he was saying this. She stated that, usually, the School would book a hotel for students to stay after the [REDACTED].

Pupil A also gave evidence that, in around April 2016, she had been with Pupil C and that she had had a call from a no caller ID. She recognised the voice as being that of Mr Myers. She stated that she had asked what Mr Myers wanted. She stated he had asked what she was doing and that she had replied nothing. He asked who she was with, and Pupil C prompted her to pretend that she was with no one to see what Mr Myers wanted. She stated that she told Mr Myers that she was not with anyone. Mr Myers then said "I think you should get the train into town in 20 minutes and I'll come and meet you and pick you up and we'll go out". She stated that she asked Mr Myers why she would do that, and he said "because I'm bored and you're bored and it's a bit of fun." She stated that she put the phone down and received three phone calls from a no caller ID. She stated that she had then received a text from Mr Myers that stated "are you there john haha" and another text that said "bloody hell lad what's the point." The panel noted that these messages had been found during the police examination of Pupil A's phone.

Pupil C gave evidence that in 2016, she had been in Pupil A's bedroom and Pupil A received a call from a no caller ID number. She stated that Pupil A had put her phone on speaker phone and Pupil C recognised that the voice was that of Mr Myers. She stated that Mr Myers asked Pupil A to meet him at a train station in his car and they would get a hotel room or go back to his. She stated that Pupil A said, "yes", to get off the phone and Mr Myers replied ok, and that he would text her when he was there. Mr Myers later texted Pupil A saying something like "I will be there shortly Alan". As referred to above, the panel noted that the use of another name was consistent with text messages that the police examination had found on Pupil A's phone such as "You there, John?" and "Bloody hell, what's the point lad?" This would be consistent with Mr Myers seeking to conceal that his message were directed to Pupil A.

In oral evidence, Pupil C stated that she would never forget that phone call. It was clear to her that Mr Myers wanted to meet Pupil A on her own. She stated that she had wanted Pupil A to tell her mother about Mr Myers for a while before that, but it had not been her place to tell Pupil A what to do. She stated that at the point of this call, she realised that matters were progressing, and felt the need to protect Pupil A. She stated that she told Pupil A that if Pupil A did not tell her mother what was happening, then Pupil C would inform her.

Pupil C also gave evidence that before Pupil A reported Mr Myers to the police, Mr Myers rang or sent messages to Pupil A. She stated that Mr Myers was pushing Pupil A to meet him, making comments like he really wanted to see Pupil A and that he could not wait for the [REDACTED]. Pupil C stated that she had convinced Pupil A to tell her mother about Mr Myers.

Mr Myers' representations state that he strongly denied this allegation occurred in the manner suggested. He stated that he could not say for certain that a hotel room was not mentioned in relation to the students discussing their plans for the school prom but it did not concern himself being involved in any way.

The panel found that Pupil A and Pupil C corroborated each other that Mr Myers had made inappropriate comments regarding what would happen with Pupil A following the [REDACTED]. There was a consistency between their accounts that Mr Myers had proposed getting a hotel room together. Their accounts were consistent with the evidence given during their ABE interviews. The panel found it more probable than not that Mr Myers had suggested to Pupil A that he and Pupil A should get a hotel room together. This was consistent with other examples of Mr Myers breaching professional boundaries and the inappropriate physical contact he had with Pupil A. The panel considered this to be a breach of appropriate professional boundaries.

The panel found this allegation proven.

- v. suggesting to Pupil A that he and Pupil A could go out for drinks in Liverpool;**

Pupil A's evidence in relation to this allegation is referred to above. Although Pupil C did not give any evidence that Mr Myers suggested that he and Pupil A could go out for drinks, a social interaction of that nature was consistent with Pupil C's evidence that he would pick her up from the train station in Liverpool.

Mr Myers' representations state that he strongly denied that this allegation occurred in the manner suggested.

For the reasons set out in respect of allegation 1.c.iv. above, the panel found it more probable than not that Mr Myers had suggested to Pupil A that he and Pupil A should go out for drinks in Liverpool. The panel considered this to be a breach of appropriate professional boundaries.

The panel found this allegation proven.

vi. discussing the size of Pupil A's breasts;

Pupil A stated that she had been in Mr Myers' classroom with the rest of the form when Mr Myers was looking through Facebook on his mobile phone. She stated that Mr Myers said "wow look at the size of her boobs" and turned his mobile phone to the side. Pupil A stated that Mr Myers had showed her a photograph of herself which made her feel uncomfortable.

Pupil B, in her evidence in the criminal court proceedings, described having been shown text messages by Pupil A that Pupil A had said had been sent by Mr Myers. Pupil B stated that she could not remember the content of all of them, but there was one referring to Pupil A's breasts, and she described the phrasing that she believed had been used by Mr Myers.

Mr Myers denied this allegation and stated that he had never made any comment in relation to Pupil A's breasts.

The panel noted that Pupil A's account of Mr Myers commenting on the size of her breasts was corroborated to some extent by the evidence of Pupil B that he had commented in a similar manner on another occasion. Similarly, Pupil A had been consistent in her evidence for this hearing and the evidence she gave in her ABE interview. The panel found it more probable than not that Mr Myers had discussed the size of Pupil A's breasts and that this was a breach of appropriate professional boundaries.

The panel found this allegation proven.

vii. commenting on the appearance of Pupil A's sibling;

Pupil A gave evidence that Mr Myers looked through her sister's Facebook page and said how fit she was.

The prosecution summarised Mr Myers' police interview and stated that Mr Myers had said that Pupil A had shown him her sister's Facebook page. When Mr Myers was cross-examined during the court proceedings he stated that he had said that Pupil A's sister was attractive and accepted that it was a poor decision for him to have said this.

In representations for this hearing, Mr Myers accepted that this could have occurred in the sense that Pupil A had shown him an image of her sister from Facebook and asked what he thought of her. He stated that he flippantly said that he thought she was attractive.

Based on both Pupil A's evidence and Mr Myers' own account, the panel found it more likely than not that Mr Myers had commented on the appearance of Pupil A's sibling and that it was a breach of appropriate professional boundaries.

The panel found this allegation proven.

viii. suggesting to Pupil A that he had "slept" with a member of staff at the school;

Pupil A's gave evidence that Mr Myers had told her that he had "slept" with a colleague in different places and in his classroom.

Mr Myers accepted that this could have occurred but not in the manner suggested. He stated that it was common knowledge that staff sometimes dated other members of staff and that this was a source of gossip amongst students. He stated that he may have confirmed at some point that he was dating a member of staff but that he never discussed sleeping arrangements.

Pupil A was consistent in her evidence in these proceedings and in the evidence she gave during her ABE interview. The panel considered that this suggestion was consistent with the informal manner that Mr Myers accepted he adopted with his students. Pupil C described that Mr Myers sought to be a friend rather than a teacher, and that the boundaries to be expected of a teacher were not in place. In these circumstances, the panel found it more probable than not that Mr Myers had suggested to Pupil A that he had "slept" with a member of staff at the School and that in doing so he had breached appropriate professional boundaries.

The panel found this allegation proven.

d. asking Pupil A and/or Pupil D to engage in sexual activity;

This allegation relates to the incident referred to in respect of allegation 1.b.iv. above.

Mr Myers strongly denied this allegation.

Whilst Pupil A's account is uncorroborated, given that the panel has decided to exclude the evidence of Pupil D, the panel found that Pupil A's account in her ABE interview and

the account she gave in these proceedings was consistent. Furthermore, Mr Myers asking Pupil A and Pupil D to engage in sexual activity with him is consistent with the evidence of Pupil C that, on another occasion, she had heard Mr Myers proposing to Pupil A that they get a hotel or go back to his home. The panel found that the account of Mr Myers asking Pupil A and Pupil D to engage in sexual activity was consistent with his earlier conduct in having unnecessary physical contact with her. The panel found that it was more probable than not that Mr Myers had asked Pupil A and Pupil D to engage in sexual activity, and that this was a breach of appropriate professional boundaries.

The panel found this allegation proven.

e. telling Pupil A to get the train and offering to pick her up;

Pupil A and Pupil C's evidence in relation to this allegation is referred to above.

Mr Myers' representations state that he denied that this allegation occurred in the manner suggested. He stated that he had tried to arrange to meet Pupil A to stop random text and phone calls that he was receiving from Pupil A. He stated that his intention had been to meet Pupil A in a public place and that it had been his assumption that Pupil A would travel by train.

The panel found that Pupil A and Pupil C corroborated each other that Mr Myers had told Pupil A to get a train and offered to pick her up. The messages that the police examination had found on Pupil A's phone also corroborated their accounts of the messages received by Pupil A immediately after the phone call. Both Pupil A's and Pupil C's accounts were consistent with the evidence given during their ABE interviews. The panel found it more probable than not that Mr Myers had suggested to Pupil A that he had told Pupil A to get the train and offered to pick her up and this occurred as described by Pupil A and Pupil C. The panel found that, in those circumstances, this was a breach of appropriate professional boundaries.

The panel found this allegation proven.

f. allowing Pupil A and/or Pupil D in his car;

This allegation relates to the incident referred to in respect of allegation 1.b.iv. above.

As referred to above, Mr Myers does not dispute that he allowed Pupil A and Pupil D in his car. Mr Myers contends that Pupil A and Pupil D were not pupils of the School at this time, and that they were ex-students. Pupil A's oral evidence to this panel was that she was still a pupil of the School at this time as she had stayed late in order to complete an art project.

Mr Myers accepts that he had made an error of judgment in allowing Pupil A and Pupil D in his car. The panel considered that allowing Pupil A and Pupil D in his car in circumstances where there was no particular emergency, and without taking any

precautions such as seeking parental consent, or informing colleagues of the reason for the journey was a breach of appropriate professional boundaries. This was the case whether or not Pupil A and Pupil D were current pupils of the School, or whether they had recently left. Mr Myers would have remained in a position of trust.

The panel found this allegation proven.

g. taking Pupil A and /or Pupil D to Liverpool;

This allegation relates to the incident referred to in respect of allegation 1.b.iv. above.

As referred to above, Mr Myers does not dispute that he took Pupil A and Pupil D to Liverpool in his car. Mr Myers accepts that he had made an error of judgment in taking Pupil A and Pupil D to Liverpool. The panel considered that taking Pupil A and Pupil D to Liverpool was a breach of appropriate professional boundaries.

The panel found this allegation proven.

h. offering to purchase alcohol for Pupil A and/or Pupil D.

This allegation relates to the incident referred to in respect of allegation 1.b.iv. above.

Mr Myers denied that this allegation occurred. He stated that he had stopped the car at a convenience store, hoping that Pupil A and Pupil D would get out of the car and make their own way home. He stated that he had been attending a family gathering that evening and had picked up alcohol for consumption at the family gathering. This slightly differed from the account Mr Myers gave during his police interview when he stated that he bought alcohol for a family gathering that he was having that weekend. During that interview, he stated that he put the alcohol he had purchased in the back of the car and that he could only presume Pupil A or Pupil D had taken it as he could not find it in the car when he arrived home. The inconsistency observed in Mr Myers' accounts may be explicable by the effect of the passage of time.

Whilst Pupil A's account is uncorroborated, given that the panel has decided to exclude the evidence of Pupil D, the panel found that Pupil A's account in her ABE interview and the account she gave in these proceedings was consistent. Furthermore, the evidence as to what Pupil A stated took place in the car was consistent with conduct of the nature that Pupil C gave evidence of, on another occasion having heard in that she had heard Mr Myers proposing to Pupil A that they get a hotel or go back to his home. Mr Myers accepted driving Pupil A and Pupil D in his car, and had already displayed his willingness to breach professional boundaries by doing so. The panel found that Pupil A's account of Mr Myers offering to purchase alcohol for Pupil D was consistent with Mr Myers seeking to establish himself as a friend, rather than to maintain appropriate professional boundaries. The panel found that it was more probable than not that Mr Myers had offered to purchase alcohol for Pupil A and Pupil D for the purpose described by Pupil A and that this was a breach of appropriate professional boundaries.

The panel found this allegation proven.

2. His behaviour as may be found proven at allegation 1 above:

a. was conduct of a sexual nature and/or was sexually motivated;

There are aspects of Mr Myers' conduct that were by their nature sexual, or because of the circumstances or the purpose of Mr Myers in relation to it, they were sexual. Examples of this included placing his hand down the back of Pupil A's top and/or underneath her bra strap, kissing Pupil A, placing her hand over his trousers and asking Pupil A and Pupil D to engage in sexual activity. Suggesting they get a hotel together was indicative of his desire for a sexual encounter or relationship. The panel considered that it was more likely than not, that in the circumstances, Mr Myers was acting in pursuit of sexual gratification or in pursuit of a sexual relationship with Pupil A.

The panel also considered that the physical contact that he had with Pupil A, his exchange of text messages with her and his language towards her were all part and parcel of developing a sexual relationship with her. Pupil C described that Pupil A was, at the time, naïve and had been through some difficult times, [REDACTED]. Her observation was that Pupil A was, at the time, someone who was easy to target as a person who would keep quiet, and that she could be manipulated. The panel considered that what might have been perceived as playfighting, was more likely an excuse for making physical contact with Pupil A for his sexual gratification and/or in pursuit of a sexual relationship with her. There could be no credible innocent motivation for such behaviour.

The panel found it proven that Mr Myers' conduct was conduct of a sexual nature and/or was sexually motivated.

b. demonstrated a lack of insight into previous concerns which were raised regarding maintaining professional boundaries with students in or around 2008.

A [REDACTED] at a school at which Mr Myers was previously employed gave evidence that on one occasion, he had observed a pupil in Mr Myers' car. He stated that he had reported this and attended the subsequent disciplinary tribunal that was also attended by Mr Myers and his representative.

The panel has also seen a record of a multi-agency strategy meeting that took place in June 2008 regarding an alleged relationship between Mr Myers and a student. This stated that a disciplinary process would be continued.

Mr Myers has accepted that he has demonstrated a lack of insight into previous concerns raised about maintaining professional boundaries with students. The panel considered that, regardless of any outcome of the disciplinary process, Mr Myers ought to have been alerted by the disciplinary process itself as to the importance of maintaining professional

boundaries. In acting as found proven above, Mr Myers demonstrated a lack of insight into these previous concerns.

The panel found this allegation proven.

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

Having found all 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 Myers, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Myers 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 Myers in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Myers was in breach of the requirement to safeguard and promote the welfare of children and to protect them from harm. The panel noted that KCSIE stated that children includes everyone under the age of 18.

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

The panel also considered whether Mr Myers’ conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice, albeit he has not been convicted of such an offence. The panel found that the offence of sexual activity was relevant. The Advice indicates that where behaviours associated with such an

offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that some of the allegations took place outside the education setting. Mr Myers' conduct affected the way he fulfilled his teaching role as professional barriers were completely eroded leaving Pupil A being exposed to, or influenced by, the behaviour in a harmful way.

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

The panel then considered the issue of whether Mr Myers is guilty of 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 the issue of disrepute, the panel also considered whether Mr Myers' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice, albeit Mr Myers has not been convicted of such an offence. The panel found that the offence of sexual activity was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher. The panel considered that Mr Myers' conduct could potentially damage the public's perception of a teacher. The panel therefore found that Mr Myers' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of all of the allegations proved, the panel further found that Mr Myers' 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 Myers 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 engaging with a pupil or former pupil in conduct that was of a sexual nature and which was sexually motivated.

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

The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Myers in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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 noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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;

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 vulnerable pupils);

an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;

sexual misconduct, for example, 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;

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);
and

violation of the rights of pupils.

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. The panel took into account, in particular, the final paragraph of Mr Myers's written representations.

The panel was satisfied that Mr Myers' actions were deliberate and sexually motivated.

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

The panel has not been informed of any previous disciplinary order imposed by the Secretary of State, the General Teaching Council, now abolished, or other relevant body. There was no evidence that he had demonstrated exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector. Mr Myers adduced no statements attesting to his character or his professional contribution for the purpose of these proceedings.

The panel found it proven that Mr Myers had demonstrated a lack of insight into previous concerns that were raised regarding maintaining professional boundaries with students in or around 2008. This gave rise to concerns regarding the risk of repetition of his behaviour.

The panel noted that Mr Myers stated that he was aware of the mistakes he had made and the poor levels of professional conduct that on face value he had displayed. He stated that he had let the profession, his family, and himself down. He stated that he was misguided in the way in which he had tried to teach and that his intention has been to inspire and motivate his students to be successful. However, whilst Mr Myers accepted informality in his teaching practice, he denied any impropriety in his relationship with Pupil A of the nature that the panel has found proven. The limited insight that Mr Myers

has afforded does not reflect the seriousness of his conduct. He has demonstrated no insight into the impact of his action on Pupil A at the time and on an ongoing basis. Mr Myers stated that he was sorry to everyone involved but there was no demonstration of empathy with the perspective of Pupil A, his professional colleagues or the public. [REDACTED].

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 Myers 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 Myers. The seriousness of Mr Myers' actions in engaging in conduct that was of a sexual nature and that was sexually motivated with a pupil and/or former pupil, indicated that it was proportionate for the panel to make 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. These cases include serious sexual misconduct, eg where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and also any sexual misconduct involving a child. The panel found that Mr Myers was responsible for using his professional position to exploit Pupil A and to engage in conduct with her that was of a sexual nature and which was sexually motivated.

Mr Myers failed to modify his actions following concerns having been raised on a previous occasion. Nothing the panel has seen gives the panel confidence that he has since developed adequate insight that would mitigate the risk of repetition. This was not sufficient to reassure the panel, given the seriousness of the conduct found proven and the public interest considerations present.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Myers 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 also, "satisfied that the conduct of Mr Myers in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Myers was in breach of the requirement to safeguard and promote the welfare of children and to protect them from harm. The panel noted that KCSIE stated that children includes everyone under the age of 18."

The panel was also, "satisfied that the conduct of Mr Myers fell significantly short of the standard of behaviour expected of a teacher."

The findings of misconduct are particularly serious as they include a finding of behaviour that was, “conduct of a sexual nature and/or was sexually motivated.”

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “Mr Myers’ conduct affected the way he fulfilled his teaching role as professional barriers were completely eroded leaving Pupil A being exposed to, or influenced by, the behaviour in a harmful way.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel noted that Mr Myers stated that he was aware of the mistakes he had made and the poor levels of professional conduct that on face value he had displayed. He stated that he had let the profession, his family, and himself down. He stated that he was misguided in the way in which he had tried to teach and that his intention has been to inspire and motivate his students to be successful. However, whilst Mr Myers accepted informality in his teaching practice, he denied any impropriety in his relationship with Pupil A of the nature that the panel has found proven. The limited insight that Mr Myers has afforded does not reflect the seriousness of his conduct. He has demonstrated no insight into the impact of his action on Pupil A at the time and on an ongoing basis. Mr Myers stated that he was sorry to everyone involved but there was no demonstration of empathy with the perspective of Pupil A, his professional colleagues or the public. [REDACTED].

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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher. The panel considered that Mr Myers’ conduct could potentially damage the public’s perception of a teacher.” I am particularly mindful of the

finding of sexual misconduct 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 Myers himself. The panel comment “There was no evidence that he had demonstrated exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector. Mr Myers adduced no statements attesting to his character or his professional contribution for the purpose of these proceedings.”

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

In this case, I have placed considerable weight on the panel’s comments, “The panel found that Mr Myers was responsible for using his professional position to exploit Pupil A and to engage in conduct with her that was of a sexual nature and which was sexually motivated.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Myers 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 that no provision should be made for a review period.

I have considered the advice and the panel’s comments “The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, eg where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the

individual has used his professional position to influence or exploit a person or persons and also any sexual misconduct involving a child. The panel found that Mr Myers was responsible for using his professional position to exploit Pupil A and to engage in conduct with her that was of a sexual nature and which was sexually motivated.”

I have considered whether not allowing for a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that allowing for no review period are the serious sexual misconduct, and the lack of insight.

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 Lee Myers 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 Lee Myers 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 Lee Myers 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: Alan Meyrick

Date: 3 May 2023

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