



Teaching
Regulation
Agency

Mr William Nunn: Professional conduct panel meeting outcome

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

May 2023

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

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|-------------------------------|------------------------|
| Teacher: | Mr William Nunn |
| Teacher ref number: | 1739428 |
| Teacher date of birth: | 28 April 1994 |
| TRA reference: | 20255 |
| Date of determination: | 30 May 2023 |
| Former employer: | Cotham School, Bristol |

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 30 May 2023 by way of a virtual meeting, to consider the case of Mr William Nunn.

The panel members were Mr Nigel Shock (lay panellist – in the chair), Ms Christine McLintock (teacher panellist) and Ms Susan Humble (lay panellist).

The legal adviser to the panel was Ms Olivia Toulson of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Nunn that the allegations be considered without a hearing. Mr Nunn provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Clare Hastie of Kingsley Napley, Mr Nunn or any representative for Mr Nunn.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 17 March 2023.

It was alleged that Mr Nunn was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that while employed as a teacher at Cotham School ('the School'):

1. On or around 17 August 2020, he added an individual as a friend on his Snapchat account after the individual offered to share indecent images of children, when he knew or ought to have known that this was not appropriate.
2. On or around 17 August 2020, he received and viewed an indecent image of a child via Snapchat, when he knew or ought to have known that this was not appropriate.
3. On or around 17 August 2020, he failed to report to the School and/or Snapchat and/or the Police that he received an indecent image of a child via Snapchat, thereby preventing any safeguarding or law enforcement action from being taken.
4. Between 23 March 2021 and 16 July 2021, he provided inconsistent and/or contradictory information on one or more occasions, to the School in relation to:
 - a) How he came to be in possession of the indecent image of the child;
 - b) Whether he had any previous communication with the third party who sent him the image;
 - c) What he did with the image following receipt of it.
5. By his conduct set out in allegation 5 (which the panel believes refers to allegation 4) he was dishonest and/or lacked integrity.

Mr Nunn admitted the facts of allegations 1 to 5 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, as set out in the response to the notice of proceedings dated 19 October 2022 and in the statement of agreed facts signed by Mr Nunn on 10 January 2023.

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 and list of key people – pages 4 to 6
- Section 2: Notice of referral, response and notice of meeting – pages 7 to 22
- Section 3: Statement of agreed facts and presenting officer representations – pages 23 to 29
- Section 4: TRA documents – pages 30 to 335
- Section 5: Teacher documents – pages 336 to 350

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 Nunn on 10 January 2023 and subsequently signed by the presenting officer on 25 January 2023.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Nunn for the allegations 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 Nunn commenced employment at the School as a science teacher for KS3 and KS4 on 1 September 2017.

The panel observed that it found the sequence of events and account provided by the teacher at times hard to follow, but nevertheless, noted that on or around 17 August 2020, Mr Nunn added an individual as a friend on his Snapchat account after having seen that individual on another website appearing to offer to share indecent images of children. Mr Nunn then received and viewed an indecent image of a child. He subsequently immediately deleted both this and his Snapchat account.

On 24 March 2021, police officers from Avon & Somerset Constabulary Child Protection Team visited the School to speak to Mr Nunn in relation to the indecent image of a child, which was received and viewed by him on or around 17 August 2020. Mr Nunn attended the police station on the same day and was interviewed under caution. A number of his devices were seized for forensic analysis.

Mr Nunn was suspended from the School on 25 March 2021.

A strategy meeting took place with the School, the Local Authority Designated Officer ('LADO') and an officer from Avon & Somerset Constabulary, on 5 May 2021.

The police advised that they were taking no further action as Mr Nunn had deleted Snapchat from his device, therefore the police were unable to locate the image. There was no other evidence of indecent images found on Mr Nunn's equipment, nor were there any indicative searches made by Mr Nunn on any of his seized devices. The police had therefore reached the end of their investigation.

The LADO informed the School that it would have to undertake its own investigation and on 19 May 2021, the school commenced its disciplinary investigation. An investigation meeting took place on 27 May 2021 with Mr Nunn. On 16 July 2021, the School's disciplinary hearing then took place.

Mr Nunn was sent an outcome letter on 27 July 2021, following the School's disciplinary investigation, informing him that he had been dismissed. The School then referred the matter to the TRA on 7 September 2021.

Findings of fact

The findings of fact are as follows:

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

The panel noted that, within the response to the notice of proceedings dated 19 October 2022 and in the statement of agreed facts signed by Mr Nunn on 10 January 2023, Mr Nunn admitted the facts of allegations 1 to 5 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Notwithstanding this, the panel made its own determination based on the evidence available to it.

- 1. On or around 17 August 2020, you added an individual as a friend on your Snapchat account after the individual offered to share indecent images of children, when you knew or ought to have known that this was not appropriate;**

2. On or around 17 August 2020, you received and viewed an indecent image of a child via Snapchat, when you knew or ought to have known that this was not appropriate;

Mr Nunn admitted that, on or around 17 August 2020, he was on a website “Reddit” and saw that another individual had offered to share indecent images of children. The individual then provided his Snapchat username to Mr Nunn (which the panel believed was in response to a request from Mr Nunn), and Mr Nunn added the individual as a friend on Snapchat. On or around the same day, the individual sent Mr Nunn an indecent image of a child via Snapchat, which Mr Nunn received and viewed.

Mr Nunn provided differing accounts of his motivations for doing this, one of which was that he sought to “entrap” the individual with a view to reporting him. However, this explanation was not borne out by his subsequent failure even to try to go on to report the individual to the police, the School, to Snapchat or any other safeguarding agency, despite the fact he could not have had any doubt that he was under a professional obligation to do so. The panel noted that Mr Nunn attended refresher training on safeguarding matters just two weeks after the incident occurred and, despite having declared that he had completed the training and understood his obligations in this regard, still failed to report the incident to anyone.

The panel found allegations 1 and 2 proven.

3. On or around 17 August 2020, you failed to report to the School and/or Snapchat and/or the Police that you received an indecent image of a child via Snapchat, thereby preventing any safeguarding or law enforcement action from being taken.

Mr Nunn admitted that, on or around 17 August 2020, he deleted Snapchat from his phone. This therefore removed all information in relation to this Snapchat account from his phone. Mr Nunn admitted that he failed to report the fact that he had received an indecent image of a child to the School. Mr Nunn also admitted that he failed to report the indecent image of a child to the police or to Snapchat. The panel believed that the discussion between Mr Nunn and the individual who offered to send the indecent image was moved on to Snapchat to utilise a platform that enabled their communications to be deleted without trace, therefore increasing the possibility that he would not be detected and his actions could be concealed. Mr Nunn’s actions were deliberate and calculating in this regard. The panel did not consider that he made any attempt to report either the downloaded image or the person who offered to share it, in line with his professional obligations.

The panel noted that he was well aware that as a member of the teaching profession he had an obligation to report such matters (and that these obligations apply at all times, including during school holidays and in respect of all children, even if they are not pupils

or known to the teacher). The School's safeguarding policy contained numerous contact details for agencies to report such matters and this information should have been easily accessible to Mr Nunn.

The panel found allegation 3 proven.

4. Between 23 March 2021 and 16 July 2021, you provided inconsistent and/or contradictory information on one or more occasions, to the School in relation to:

a) How you came to be in possession of the indecent image of the child;

b) Whether you had any previous communication with the third party who sent you the image;

c) What you did with the image following receipt of it.

The panel was in no doubt that Mr Nunn was deliberately dishonest in interviews in an attempt to cover his tracks. The panel felt that no ordinary decent person would believe he was being honest. The panel felt that as time went on and he attended more and more investigatory interviews, and his accounts were subject to increasing levels of scrutiny, it became apparent to him that his inconsistencies were becoming inexplicable and as a result he then decided to admit the allegations he was facing.

On 24 March 2021, during the police interview, Mr Nunn admitted that he was on a website when he saw that another individual had offered to share indecent images of children. During that interview, Mr Nunn told the police that after seeing the offer to share indecent images of children, he entered into a private chat with the individual and added them as a friend on Snapchat with a view to entrapping them.

During the police interview, Mr Nunn said that the individual provided their Snapchat username and he added them on Snapchat. When asked what happened after he added the individual to his Snapchat account, he said that he either asked the individual about the indecent image of a child or they could have potentially sent the image without asking.

In contrast to this account, on 27 May 2021, during the interview with the School's investigator, [REDACTED], Mr Nunn indicated that he had no prior dealings with the individual before receiving the indecent image of the child, but that he did have concerns about the individual. When asked whether he accepted a friend request from the individual on Snapchat, he told the School that he did not recall whether he had. Earlier in the same interview, he said that he had not accepted the individual's friend request on Snapchat. Mr Nunn also said that he could not remember why he had concerns about the individual. Mr Nunn also submitted that he attempted to report the individual after he

received the indecent image of a child but was unable to do so or take any further action as he had deleted and blocked the contact.

On 2 June 2021, in response to [REDACTED]'s email to Mr Nunn seeking clarification between the difference in his accounts in the School's interview and police interview, he said that the individual "*had posted on an open chat function on the internet that was available for anyone to see*", and that he "*did not engage in a conversation*".

Mr Nunn also said "*I went to report through Snapchat, however in attempting this; the individual sent an image through to me, which I immediately deleted. I blocked and deleted the individual to prevent them from being able to contact me.*" This was the first occasion where Mr Nunn mentioned that it was his attempt to report the individual that led to him receiving the indecent image of a child.

There was a further inconsistency in that on 24 March 2021, during the police interview, Mr Nunn accepted that he may have uploaded the indecent image of a child to the internet, but has also said he had no idea how the image could have been uploaded onto the internet. In contrast, on 27 May 2021, during the School's interview, Mr Nunn denied that he uploaded the indecent image of a child to the internet. Mr Nunn said that as he blocked the individual, the image was not recoverable which is why he did not report the image or the individual who provided it.

The panel found allegations 4(a), 4(b) and 4(c) proven.

5. By your conduct set out in allegation 5 (which the panel believes should be allegation 4) you were dishonest and/or lacked integrity.

The panel firstly considered whether Mr Nunn had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Mr Nunn had failed to act within the higher standards expected of a teacher by not informing the School that he had received and viewed an indecent image of a child. The panel considered such information to be relevant safeguarding information about which he should have informed the School.

The panel believed that Mr Nunn told a variety of different versions of events in order to hide the truth. The panel believed that he deliberately attempted to mislead the police and the School as to how he came in to possession of an indecent image in order to try to minimise the seriousness of his actions. The panel noted in particular that the use of the "Snapchat" platform was a deliberate attempt to try to reduce the risk of being caught (since messages are not traceable once deleted) and that he only came to admit the allegations when it became clear that his accounts did not withstand scrutiny.

The information about the indecent image was relevant to the School, and would be relevant at any School, because teachers are placed in a position of trust. Members of the public rightly expect someone who is in a position of trust and with regulatory

obligations to apply these to the protection of children inside or outside of the school environment and whether or not they are pupils. They expect members of the teaching profession to do the right thing and report any suspicions to the correct authorities immediately. Instead Mr Nunn sought to try to cover up his behaviour by giving inconsistent accounts.

The panel therefore found that Mr Nunn had not acted with integrity over his failure to disclose the fact that he had received and viewed an indecent image of a child. The School's safeguarding policy contained numerous contact details of agencies to report such matters and this information should have been easily accessible to him. Furthermore, only two weeks after he received the image, he attended refresher safeguarding training which he signed to confirm he had understood. Despite this, he still did not report the incident to the School or the police. Matters only came to light because his actions were discovered by the police.

The panel then considered whether Mr Nunn had acted dishonestly. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Mr Nunn's knowledge or belief as to the facts. The panel considered that he had given a variety of different accounts during interviews to try to explain his behaviour. It became apparent as these accounts were interrogated further that they did not withstand scrutiny and various inconsistencies were uncovered which Mr Nunn could not explain. He only admitted being dishonest when it became clear to him that the explanations he had provided proved unreliable.

The panel found allegation 5 proven.

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

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

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as 'the Advice'.

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

- 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 Nunn fell significantly short of the standards expected of the profession. The panel noted that whilst Mr Nunn subsequently expressed “regret” for his actions he did not appear to acknowledge or express any concern for the individual in the photograph. Furthermore, he does not appear to recognise that as a teacher, he is placed in a position of trust and that this extends to the safeguarding of pupils and other members of the public.

The panel also considered whether Mr Nunn’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

There has not been a conviction in this case (principally because Mr Nunn’s actions in deleting the Snapchat app and the image rendered this impossible) however the Advice states that where a teacher has been found by a panel to have displayed behaviours associated with the offence types shown in the list on page 12, but was not convicted of a relevant offence, a panel is likely to conclude that those behaviours would amount to “unacceptable professional conduct”. The panel found that the offence of fraud or serious dishonesty and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents was relevant.

The panel noted that the allegations took place outside the education setting in that Mr Nunn engaged in communication with an individual on a website called “Reddit” and then added that individual on the Snapchat app. There is no suggestion that School equipment was used to facilitate this. The panel was satisfied that Mr Nunn’s behaviour impacted upon his profession as a teacher given that he would be teaching children and he was in a position of trust and responsibility. These offences were further compounded by the inconsistent and contradictory accounts provided by Mr Nunn for his actions and his failure to report the incident to either the School, the police, Snapchat or any other third party safeguarding authority.

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

The panel took into account the way the teaching profession is viewed by others 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 they behave.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

Having found the facts of particulars 1, 2, 3, 4(a), 4(b), 4(c) and 5 proved, the panel further found that Mr Nunn's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct/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 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 a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the 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, if they are in conflict.

In the light of the panel's findings against Mr Nunn, which involved receiving and viewing an indecent image of a child and failing to report this to the School, the police, Snapchat or any other safeguarding authority, there was a strong public interest consideration in respect of the protection of pupils given the seriousness of the findings.

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

In light of the panel's findings against Mr Nunn which involved viewing an indecent image of a child and then deleting the Snapchat app, therefore making it impossible for the police to trace the individual who supplied it, giving inconsistent accounts of his

behaviour and failing to report the incident in line with his safeguarding obligations (which he was well aware of), there were strong public interest considerations to take into account.

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 Nunn. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Nunn. 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;
- abuse of position or trust (particularly involving pupils);
- 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 to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- 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);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions 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;
- collusion or concealment including:
 - any activity that involves knowingly substantiating another person's statements where they are known to be false;
 - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
 - encouraging others to break rules;

- lying to prevent the identification of wrongdoing;

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

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

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

No evidence was submitted to demonstrate exceptionally high standards in both personal and professional conduct or that Mr Nunn contributed significantly to the education sector.

The panel considered the statement of reflection, explanation and mitigation submitted by Mr Nunn whereby he stated that he understood the severity of the allegations and did not wish to trivialise, make excuses for, or deflect from the allegations. [REDACTED]. Whilst the panel is not able to verify this account one way or the other, it does not sufficiently explain or mitigate his actions, particularly as he subsequently failed to make any attempt to report the incident to the School, the police, Snapchat, or any other safeguarding body, in line with his professional obligations. The panel did however note that Mr Nunn did not appear to demonstrate any concern for the individual in the photograph and appeared more concerned with the impact on himself.

Mr Nunn did not submit any medical evidence or other evidence to support his statements regarding medical intervention to deal with past events that would cause the panel to be satisfied that he is taking sufficient steps to prevent reoccurrence of any similar incident.

Mr Nunn submitted that he would never take such steps again; he stated that it was huge mistake and he has since learned a valuable lesson around leaving such things to the right authorities. However the panel did not accept that he had genuine insight, despite what he said, in particular, his lack of concern for the child in the image. Mr Nunn has stated that his "*inconsistencies were unintentional*", however the panel did not accept this and noted he admitted dishonesty.

The panel also noted 3 references submitted on behalf of Mr Nunn attesting to Mr Nunn's character and ability as a teacher. In particular, the panel noted the following comments:

- [REDACTED]:
 - "*In my opinion William is a fantastic teacher and this is in no doubt down to his incredible ability to form strong, positive relationships with children and young*

people. I have observed William build fantastic rapport with students and young people alike.”

- *“His support, openness and encouragement has got to where I am currently.”*
- *“He will do anything he can to help other people because of his caring nature.”*

- [REDACTED]:
 - *“He is kind, enthusiastic and incredibly supportive of everyone. He is superbly reliable and will go above and beyond to ensure everyone is happy and having fun. He has an incredible ability to build positive relationships with some of the most challenging students through creating an environment based on mutual respect.”*

- [REDACTED]:
 - *“My first impressions of Will were nothing but positive: he came across to me as very kind, open, honest and conscientious and hard-working. He clearly loved teaching and wanted to do the best job he could.”*
 - *“The students felt confident to ask questions, make contributions to discussions and confident of Will’s instructions and explanations about the lesson topic.”*
 - *“Will’s genuine interest in understanding the education system and in making a difference to the school community, for the students, and staff was always clear.”*

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 Nunn 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 Nunn. The fact of viewing an indecent image, offering contradictory accounts of this when challenged, and failing to report the matter to the School, police, Snapchat or appropriate safeguarding authorities were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Nunn was responsible for receiving and viewing an indecent image of a child and failing to report this to the School, the police, Snapchat or other relevant safeguarding authorities. The Advice makes it clear that this includes “one off” incidents.

The panel considered whether a review period should be recommended but took the view that the need to protect children is so great that Mr Nunn’s interests must come second to that. Nowhere in any of the mitigation provided by him did Mr Nunn appear to recognise sufficiently the impact on the child in the image and the potential danger that child was in. Mr Nunn has now said that he is aware of the proper course of action that he should have taken, however the panel noted that he was aware of this at the time through his training and did not take such action. It therefore had no confidence that he would act appropriately if given a second chance.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to 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 William Nunn should be the subject of a prohibition order, with no provision for a review period.

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

- 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 finds that the conduct of Mr Nunn fell significantly short of the standards expected of the profession.

In its considerations, the panel also took 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;
- abuse of position or trust (particularly involving pupils);
- 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 to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- 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);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions 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;
- collusion of concealment including:
 - any activity that involves knowingly substantiating another person's statements where they are known to be false;
 - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
 - encoring others to break rules;
 - lying to prevent the identification of wrongdoing;

The findings of misconduct are particularly serious as they include receiving and viewing an indecent image of a child, a failure to report such matters, and dishonesty.

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

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Nunn, which involved receiving and viewing an indecent image of a child and failing to report this to the School, the police, Snapchat or any other safeguarding authority, there was a strong public interest consideration in respect of the protection of pupils given the seriousness of the findings." 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 considered the statement of reflection, explanation and mitigation submitted by Mr Nunn whereby he stated that he understood the severity of the allegations and did not wish to trivialise, make excuses for, or deflect from the allegations. [REDACTED]."

However, the panel also observes that "Whilst the panel is not able to verify this account one way or the other, it does not sufficiently explain or mitigate his actions, particularly as he subsequently failed to make any attempt to report the incident to the School, the police, Snapchat, or any other safeguarding body, in line with his professional obligations. The panel did however note that Mr Nunn did not appear to demonstrate any concern for the individual in the photograph and appeared more concerned with the impact on himself."

In addition, the panel states that it "...did not accept that he had genuine insight, despite what he said, in particular, his lack of concern for the child in the image. Mr Nunn has stated that his "*inconsistencies were unintentional*", however the panel did not accept this and noted he admitted dishonesty." 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 were serious and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.” I am particularly mindful of the panel’s finding that Mr Nunn failed to report to the School and/or Snapchat and/or the Police that he received an indecent image of a child via Snapchat, thereby preventing any safeguarding or law enforcement action from being taken.

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 Nunn himself. While the panel observes that, “No evidence was submitted to demonstrate exceptionally high standards in both personal and professional conduct or that Mr Nunn contributed significantly to the education sector.” it does note that character references were provided which attested to his abilities as a teacher.

A prohibition order would prevent Mr Nunn 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. However, given the seriousness of the panel’s findings, the absence of evidence of full insight, and the clear public interest considerations in this case, I have given less weight to the contribution Mr Nunn has made to 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.

In its recommendation the Panel notes that the Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Nunn was responsible for receiving and viewing an indecent image of a child and failing to report this to the School, the police, Snapchat or other relevant safeguarding authorities. The Advice makes it clear that this includes “one off” incidents.

The panel went on to consider whether a review period should be recommended but took the view that the need to protect children is so great that Mr Nunn's interests must come second to that. The panel states that, "Nowhere in any of the mitigation provided by him did Mr Nunn appear to recognise sufficiently the impact on the child in the image and the potential danger that child was in. Mr Nunn has now said that he is aware of the proper course of action that he should have taken, however the panel noted that he was aware of this at the time through his training and did not take such action. It therefore had no confidence that he would act appropriately if given a second chance."

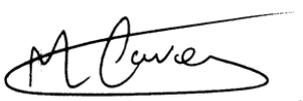
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the panel's findings against Mr Nunn which involved receiving and viewing an indecent image of a child, a failure to report such matters, and dishonesty. I have also taken into account the absence of evidence that Mr Nunn has demonstrated full insight into his conduct.

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 William Nunn 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 Nunn 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 William Nunn 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: Marc Cavey

Date: 2 June 2023

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