



Teaching
Regulation
Agency

Mr Matthew Gaute: Professional conduct panel meeting outcome

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

July 2022

Contents

Introduction	3
Allegations	4
Summary of evidence	5
Documents	5
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	7
Panel's recommendation to the Secretary of State Decision	11
and reasons on behalf of the Secretary of State	14

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

Teacher:	Mr Gaute
Teacher ref number:	1546279
Teacher date of birth:	03 April 1990
TRA reference:	0019455
Date of determination:	17 July 2023
Former employer:	Priory School

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 17 July 2023 to consider the case of Mr Gaute.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Ian Hylan (teacher panellist) and Ms Mona Sood (lay panellist).

The legal adviser to the panel was Ms Eleanor Brown of Eversheds Sutherland (International) 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 Gaute that the allegations be considered without a hearing. Mr Gaute confirmed by email dated 10 July 2023 that he was willing for the panel to hear his case as a meeting without his attendance in private. Mr Gaute provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute dated 20 June 2023. The panel considered the case at a meeting without the attendance of the presenting officer, Ian Brook of Capsticks solicitors, or Mr Gaute.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 10 July 2023.

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

1. On or around 25 November 2019, he produced to the Priory School an undated falsified letter which purported to be following a conversation on 21 November in the name of a Person A;
2. On or around 2 December 2019, he produced to the Priory School a falsified letter dated 28 November 2019 which purported to be in the name of a Person A;
3. On or around 11 December 2019, he produced to the Priory School a screenshot of a falsified undated email which purported to be in the name of a Person A;
4. On or around 7 January 2020, he produced to the Priory School a falsified letter dated 13 December 2019 which purported to be in the name of a Consultant Oncologist, Person B;
5. On or around 7 January 2020, he produced to the Priory School a copy of falsified email that appeared to be dated 22 January and purported to be in the name of Person C;
6. Between 27 November 2019 and 10 January 2020 in meetings with the Priory School, he made untrue statements regarding the emails and documents referred to at allegations 1 – 4 above in that:
 - a. On 27 November, he made statements to the effect:
 - i. That Person A and or Person D were based at the Mount Vernon Medical Centre;
 - ii. That Person A had typed the letter referred to in Allegation 1 above and signed it in his presence;
 - b. On 5 December 2019, he made statements to the effect:
 - i. That Person A printed the letter referred to in Allegation 2 above and gave it to him;
 - c. On 10 January 2020, he made statements to the effect:
 - i. That the email referred to in Allegation 3 above was sent to him by Person A;

- ii. That the letter referred to in Allegation 4 was sent to him by Person B.

7. Mr Gaute's conduct as set out at allegations 1 – 6 above was dishonest.

The panel noted Mr Gaute admitted the allegations and further admitted that the above allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 4 to 6

Section 2: Notice of referral, response and Notice of Meeting – pages 7 to 39

Section 3: Statement of agreed facts and presenting officer representations - pages 40 to 50

Section 4: Teaching Regulation Agency witness statements – pages 51 to 67

Section 5: Teaching Regulation Agency documents – pages 68 to 410

Section 5: Teacher documents – pages 411 to 426

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 Gaute dated 20 June 2023.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Gaute 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 Gaute was initially employed by the Priory School from 2 September 2012 as a teaching assistant. He was later employed as a teacher from 1 September 2015.

In July 2018, Mr Gaute notified Priory School that he had been diagnosed with myeloma, a blood cancer. Mr Gaute informed the Priory School that his treatment (six chemotherapy sessions) would begin over the 2018 summer holidays. The Priory School referred Mr Gaute to occupational health with no reference to Mr Gaute's medical records. The Priory School requested medical evidence from Mr Gaute's GP and / or hospital.

In June 2019, Mr Gaute confirmed to the Priory School that his myeloma had returned and that he would be required to begin a 14 week course of chemotherapy and radiotherapy. A second occupational health referral was made on 5 July 2019 and Mr Gaute was assessed as being fit to work with no adjustments required.

In November 2019, the Priory School developed suspicions regarding claims by Mr Gaute about his treatment and his disclosed illness. The Priory School made enquiries with a Macmillan (specialist oncology) nurse regarding the accuracy of Mr Gaute's illness. The Macmillan nurse had no knowledge of the treatment plan described to the Priory School by Mr Gaute. A further occupational health referral was made by the Priory School on 28 November 2019 to seek advice on his illness. Mr Gaute refused consent for occupational health to contact or request information from his GP and / or the hospital.

In the period between diagnosis in July 2018 and December 2019 Mr Gaute reported to the Priory School that he underwent three rounds of intensive chemotherapy and radiation. In that period Mr Gaute was absent from work for one day through sickness and 3.8 days which were planned absences for treatment. Mr Gaute provided no medical evidence to the Priory School regarding his medical treatments throughout this treatment period.

On 20 November 2019, Mr Gaute was requested to provide medical evidence to the Priory School at a return to work interview. Mr Gaute provided a medical letter dated 21 November 2019 from the East and North Hertfordshire NHS Trust. Following receipt of the letter, the Priory School developed a suspicion as to whether the letter was authentic and commenced an investigation. The Priory School made an enquiry with East and North Hertfordshire NHS Trust, specifically at Mount Vernon Cancer Centre to determine whether Persons A and D (identified within Mr Gaute's correspondence) had been employed by the NHS Trust. The NHS Trust confirmed neither Persons A nor D had been / were currently employed. Following a further investigative meeting, on 2 December 2019, Mr Gaute was suspended from employment at the Priory School.

Following a disciplinary process, Mr Gaute was dismissed by the Priory School on 3 February 2020 for gross misconduct relating to this matter.

Mr Gaute was referred to the TRA on 23 July 2020.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 25 November 2019, you produced to the Priory School an undated falsified letter which purported to be following a conversation on 21 November in the name of a Person A;**

The panel reviewed a copy of the letter produced by Mr Gaute in the name of Person A on or around 25 November 2019. Further, the panel took into consideration the admission by Mr Gaute within the statement of agreed facts dated 20 June 2023 that the letter was falsified. The panel noted the admission was supported by irregularities in the drafting of the letter specifically, that the letter was undated, on plain, not hospital headed paper and Mr Gaute's NHS number was only 7 digits long (rather than 10 digits). It was noted the NHS number provided was also incorrect when compared to another NHS number provided by Mr Gaute. The panel further noted the IT evidence provided which noted the draft letter had been saved on Mr Gaute's laptop and had been created by him. Therefore, the panel found the allegation proven.

- 2. On or around 2 December 2019, you produced to the Priory School a falsified letter dated 28 November 2019 which purported to be in the name of a Person A;**

The panel reviewed a copy of the letter produced by Mr Gaute dated 28 November 2019 in the name of Person A. Further, the panel took into consideration an admission by Mr Gaute within the statement of agreed facts dated 20 June 2023 that the letter was falsified. The panel noted the admission was supported by Person A not being a GMC registered doctor and not being or ever having been employed by the East and North Hertfordshire NHS Trust. Therefore, the panel found the allegation proven.

- 3. On or around 11 December 2019 you produced to the Priory School a screenshot of a falsified undated email which purported to be in the name of a Person A;**

The panel reviewed a copy of a screenshot of the undated email provided by Mr Gaute to the Priory School at a meeting on or around 11 December 2019 in the name of Person A. Further, the panel took into consideration an admission by Mr Gaute in the statement of agreed facts dated 20 June 2023 that the email was falsified. This admission was supported by Mr Gaute being unable to provide any evidence to support the verification of the email when requested to do so by the Priory School as part of his disciplinary process. Therefore, the panel found the allegation proven.

- 4. On or around 7 January 2020, you produced to the Priory School a falsified letter dated 13 December 2019 which purported to be in the name of a Consultant Oncologist, Person B;**

The panel reviewed a copy of the letter dated 13 December 2019 provided by Mr Gaute to the Priory School in the name of Person B. Further, the panel took into consideration an admission by Mr Gaute in the statement of agreed facts dated 20 June 2023 that the letter was falsified. This admission was supported by evidence provided by the Mount Vernon Cancer Centre which confirmed the letter was not written by Person B. Therefore, the panel found the allegation proven.

- 5. On or around 7 January 2020, you produced to the Priory School a copy of falsified email that appears to be dated 22 January and purported to be in the name of Person C;**

The panel reviewed a copy of an email dated 22 January provided by Mr Gaute to the Priory School in the name of Person C. Further, the panel took into consideration an admission by Mr Gaute in the statement of agreed facts dated 20 June 2023 that the email was falsified. This admission was supported by evidence from Person C who confirmed they did not write the email. Therefore, the panel found the allegation proven.

- 6. Between 27 November 2019 and 10 January 2020 in meetings with the Priory School, you made untrue statements regarding the emails and documents referred to at allegations 1 – 4 above in that:**

- a. On 27 November you made statements to the effect;**

- i. That Person A and or Person D were based at the Mount Vernon Medical Centre;**
- ii. That Person A had typed the letter referred to in Allegation 1 above and signed it in your presence;**

The panel reviewed the records of the meetings and can confirm the statements were made to the effect set out within the allegations. The panel further noted that Mr Gaute admitted within the statement of agreed facts dated 20 June 2023 that he made the statements and that they were untrue. This admission was supported by evidence noted at allegations 1 to 4. Therefore, the panel found the allegation proven.

- b. On 5 December 2019 you made statements to the effect:**

- i. That Person A printed the letter referred to in Allegation 2 above and gave it to you;**

The panel reviewed the records of the meeting dated 5 December 2019 and can confirm the statements were made to the effect set out within the allegation. The panel further

noted that Mr Gaute admitted within the statement of agreed facts dated 20 June 2023 that he made the statement and that it was untrue. Therefore, the panel found the allegation proven.

c. On 10 January 2020 you made statements to the effect:

- i. That the email referred to in Allegation 3 above was sent to you by Person A;**
- ii. That the letter referred to in Allegation 4 was sent to you by Person B.**

The panel reviewed the records of the meeting dated 10 January 2020 and can confirm the statements were made to the effect set out within the allegations. The panel further noted that Mr Gaute admitted within the statement of agreed facts dated 20 June 2023 that he made the statements and that they were untrue. Therefore, the panel found the allegation proven.

d. Your conduct as set out at allegations 1 – 6 above was dishonest.

The panel reviewed the statement of agreed facts dated 20 June 2023 and noted Mr Gaute admitted his conduct was dishonest. The panel noted legal advice regarding the test for dishonesty and the requirement to carefully examine the defendant's state of knowledge and belief of the facts. In the absence of any explanation as to Mr Gaute's state of mind at the time, and in applying the standards of the ordinary honest person, the panel found evidence of Mr Gaute's intention to repeatedly deceive. In particular, the digital footprint of the letter said to have been written by Person A, confirmation that Persons A and D were not employed by the Mount Vernon Cancer Centre and confirmation that Persons B and C did not write the correspondence alleged by Mr Gaute. Therefore, the panel found his conduct set out at allegations 1 to 6 above to be dishonest.

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 Gaute, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that Mr Gaute was in breach of the following:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel concluded that over a lengthy period of time, Mr Gaute had persistently abused the trust of the Priory School. The panel was struck by the extent to which Mr Gaute had planned his deceit using more and more frequent fabrication of medical evidence to support his false narrative. The panel was satisfied that because of this, the conduct of Mr Gaute fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Gaute's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of fraud or serious dishonesty was highly 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 took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel also considered whether Mr Gaute's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of fraud or serious dishonesty was highly 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 panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The panel noted that Mr Gaute had displayed wilful and deliberate dishonesty over a protracted period of time throughout 2018 to 2020. Further, when questioned by the Priory School as part of his disciplinary investigation and by occupational health Mr Gaute consistently maintained and elaborated on his deception regarding his medical illness and treatment. The panel was particularly concerned by the lengths Mr Gaute had

gone to cover up his dishonesty and to conceal his health position. The panel considered all of these behaviours were relevant in considering whether Mr Gaute had brought the profession into disrepute.

Therefore, the panel found that Mr Gaute was guilty of 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Gaute 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 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.

The panel found Mr Gaute had made untrue statements regarding his health position and had provided falsified medical documents to the Priory School on numerous occasions throughout 2018 to 2020. The panel concluded there was a strong public interest consideration in respect of ensuring teachers behave like role models to students given their uniquely influential role they hold in society. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Gaute was 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 Gaute was outside that which could reasonably be tolerated.

The panel understands the Priory School viewed Mr Gaute as a competent teacher. The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Gaute in the profession, given his behaviour fundamentally breached the standard of conduct expected of a teacher. Furthermore, he repeatedly sought to exploit his position of trust.

The panel carefully considered the seriousness of his 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;
- abuse of position or trust (whilst not particularly involving pupils);
- 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; and
- collusion or concealment including: any activity that involves knowingly substantiating another person's statements where they are known to be false and lying to prevent the identification of wrongdoing.

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

- There was evidence that Mr Gaute's actions were deliberate.
- There was no evidence to suggest that Mr Gaute was acting under extreme duress, in fact, the panel found Mr Gaute's actions to be calculated and motivated.
- The panel received no evidence that Mr Gaute had demonstrated exceptionally high standards in both his personal and professional conduct and had contributed significantly to the education sector. The panel noted that no references or testimonies were provided from any colleagues that could attest to his ability as a teacher. Whilst Mr Gaute had been teaching at the Priory School since September 2015, there was no evidence of an exceptional contribution to teaching.

Mr Gaute had not presented any evidence to the panel which demonstrated any remorse for his actions. Whilst the panel noted Mr Gaute had admitted the allegations in advance of the TRA meeting, the panel concluded Mr Gaute had allowed the Priory School to

complete an unnecessarily lengthy disciplinary investigation due to his persistent maintenance and elaboration of the deception. Further, Mr Gaute has to date failed to provide any evidence to explain the reason for his actions. In light of this, the panel concluded Mr Gaute had not demonstrated nor shared any understanding or insight into his conduct.

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, prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Gaute. The absence of any insight into his actions or genuine remorse was a significant factor in forming that opinion. The panel also noted that Mr Gaute had been unable to demonstrate a distinction between truth and falsehood in his actions. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One type of this conduct includes fraud or serious dishonesty. The panel found that Mr Gaute's conduct amounted to serious dishonesty as he repeatedly lied and provided falsified information to the Priory School.

The panel took into account the issue of mitigation, however no mitigation was provided for the panel to consider. The lack of insight and remorse shown by Mr Gaute meant that the panel could not be satisfied Mr Gaute would not repeat his conduct in the near future. The panel noted that Mr Gaute had only admitted his conduct 4 years after the allegation arose in 2019.

The panel considered not offering a review period. This is because of the sustained and extended period of deception the further elaboration of his narrative, compounded by his lack of insight and remorse. However, as Mr Gaute's motivation for serious dishonesty was unknown, the panel considered it to be proportionate in all the circumstances, for a prohibition order to be recommended with provision for a review period after 5 years. The longer review period would afford Mr Gaute an opportunity to fully reflect on and understand the motivation for his conduct, to develop insight and demonstrate remorse.

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 Matthew Gaute should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mr Gaute 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;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are serious as they include a finding of repeated dishonesty over a prolonged period.

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 Gaute, 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 pupils. The panel has observed, "The panel carefully considered the seriousness of his 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." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Gaute had not presented any evidence to the panel which demonstrated any remorse for his actions. Whilst the panel noted Mr Gaute had admitted the allegations in advance of the TRA meeting, the panel concluded Mr Gaute had allowed the Priory School to complete an unnecessarily lengthy disciplinary investigation due to his persistent maintenance and elaboration of the deception. Further, Mr Gaute has to date failed to provide any evidence to explain the reason for his actions. In light of this, the panel concluded Mr Gaute had not demonstrated nor shared any understanding or insight into his conduct." In my judgement, the lack of full insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel concluded there was a strong public interest consideration in respect of ensuring teachers behave like role models to students given their uniquely influential role they hold in society. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Gaute was 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 Gaute was outside that which could reasonably be tolerated." I am particularly mindful of the finding of dishonesty 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 Gaute himself and the panel's comment, "The panel received no evidence that Mr Gaute had demonstrated

exceptionally high standards in both his personal and professional conduct and had contributed significantly to the education sector. The panel noted that no references or testimonies were provided from any colleagues that could attest to his ability as a teacher. Whilst Mr Gaute had been teaching at the Priory School since September 2015, there was no evidence of an exceptional contribution to teaching.” I have also noted the following “The panel understands the Priory School viewed Mr Gaute as a competent teacher.”

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

In this case, I have placed considerable weight on the panel’s comments concerning dishonesty. The panel has said, “The panel noted that Mr Gaute had displayed wilful and deliberate dishonesty over a protracted period of time throughout 2018 to 2020. Further, when questioned by the Priory School as part of his disciplinary investigation and by occupational health Mr Gaute consistently maintained and elaborated on his deception regarding his medical illness and treatment. The panel was particularly concerned by the lengths Mr Gaute had gone to cover up his dishonesty and to conceal his health position. The panel considered all of these behaviours were relevant in considering whether Mr Gaute had brought the profession into disrepute.”

I have also placed considerable weight on the finding “The panel took into account the issue of mitigation, however no mitigation was provided for the panel to consider. The lack of insight and remorse shown by Mr Gaute meant that the panel could not be satisfied Mr Gaute would not repeat his conduct in the near future. The panel noted that Mr Gaute had only admitted his conduct 4 years after the allegation arose in 2019.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Gaute has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 5 year review period.

I have considered the panel’s comments “The panel considered not offering a review period. This is because of the sustained and extended period of deception the further elaboration of his narrative, compounded by his lack of insight and remorse. However, as Mr Gaute’s motivation for serious dishonesty was unknown, the panel considered it to be

proportionate in all the circumstances, for a prohibition order to be recommended with provision for a review period after 5 years. The longer review period would afford Mr Gaute an opportunity to fully reflect on and understand the motivation for his conduct, to develop insight and demonstrate remorse.”

I have considered whether a 5 year 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 lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found and the lack of either full insight or remorse.

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

This means that Mr Matthew Gaute is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 24 July 2028, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Gaute remains prohibited from teaching indefinitely.

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

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

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

Decision maker: Sarah Buxcey

Date: 24 July 2023

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