



Teaching
Regulation
Agency

Mr Nigel Rix: Professional conduct panel outcome

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

August 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	6
Documents	6
Witnesses	6
Decision and reasons	7
Findings of fact	7
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	17

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

Teacher:	Mr Nigel Rix
Teacher ref number:	9660673
Teacher date of birth:	25 November 1968
TRA reference:	19808
Date of determination:	4 September 2023
Former employer:	Southway Centre, Leeds

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 30 August to 4 September 2023 by way of a virtual hearing, to consider the case of Mr Nigel Rix.

The panel members were Ms Amanda Godfrey (teacher panellist), Ms Geraldine Baird (lay panellist – in the chair) and Mr Clive Ruddle (lay panellist).

The legal adviser to the panel was Mr Sam Haldane of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP.

Mr Rix was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 11 July 2023.

It was alleged that Mr Rix was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst a teacher at Southway Centre:

1. On an 18 December 2019, during a lesson and when speaking to pupils, he:
 - a) Referred to bestiality, in that he made reference to him being willing to engage in sexual activity with a horse.
2. On 7 January 2020, during a conversation of a sexual nature between a group of pupils who were discussing a sexually provocative female dancer, he:
 - a) Said 'does she have greasy nipples?' or words to that effect.
3. On 13 January 2020, during a lesson:
 - a) He used suggestive body language and/or hand gestures of a sexual nature mimicking the movement over breasts;
 - b) He encouraged Pupil A to jiggle and/or touch her breasts in response, as she was copying everything he did;
 - c) He used suggestive body language and/or hand gestures of a sexual nature mimicking sucking of a penis in front of pupils and a staff member;
 - d) He encouraged Pupil A to copy the sexual gesture of sucking of a penis; and
 - e) His use of suggestive body language and/or hand gestures of a sexual nature made pupils and/or a colleague uncomfortable.
4. On an unknown date, whilst speaking with a group of female pupils, he:
 - a) Used a sexually provocative comment on more than one occasion, in that he said, 'girls, get your golden vaginas out' or words to that effect;
 - b) Used a sexually provocative comment in that he said, 'make you put your golden vaginas away' or words to that effect; and
 - c) Made pupils uncomfortable when making comments of a sexual nature.
5. His conduct as set out in allegation 1 and/or 2 and/or 3 and/or 4 was sexually motivated.

6. By his conduct as set out in allegation 1 and/or 2 and/or 3 and/or 4 he:
- a) failed to maintain professional boundaries; and
 - b) failed to act with integrity.

Mr Rix admitted allegations 1(a), 2(a), 3(a), 3(c), 3(e), 4(a), 4(b), 4(c), 6(a) and 6(b), as set out in the response to the notice of proceedings dated 11 March 2022. Mr Rix further admitted that those admitted facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Mr Rix denied allegations 3(b), 3(d) and 5.

Preliminary applications

Application to proceed in the absence of the teacher

Mr Rix was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Rix.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Rix in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures').

The panel concluded that Mr Rix's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Rix had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Rix was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Rix was neither present nor represented.

Application to admit additional documents

The panel considered a preliminary application from the presenting officer for the admission of additional documents.

The presenting officer's documents were Mr Rix's response to the Notice of Referral and Witness Statement of Student L.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer in respect of the application.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 6
- Section 2: Notice of hearing and response – pages 7 to 10
- Section 3: TRA witness statements – pages 11 to 27
- Section 4: TRA documents – pages 28 to 284
- Section 5: Teacher documents – pages 285 to 290
- Teacher's notice of response – provided separately

In addition, the panel agreed to accept the following:

- Mr Rix's response to the Notice of referral
- Student L witness statement

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.

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- [REDACTED] – [REDACTED] at Southway Centre ('the School')

- [REDACTED], [REDACTED] at the School
- [REDACTED] – [REDACTED] at the School
- [REDACTED] – [REDACTED] at the School
- Student L – [REDACTED] at the School

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 Rix commenced employment as a teacher of science at the School on 5 November 2018.

On 13 January 2020, several allegations of misconduct were brought to the attention of the senior leadership team at the School, following a lesson conducted by Mr Rix.

Mr Rix was placed on garden leave on 14 January 2020, until further notice. On 20 January 2020, the School arranged an informal allegation meeting with Mr Rix, where he was presented with a letter and the formal allegations.

On 31 January 2020, the School held a formal investigation interview with Mr Rix, whereby he was made aware of additional concerns and/or allegations that had been brought to the attention of the school.

The School completed its investigation on 10 February 2020. Mr Rix ceased employment at the School on 21 April 2020.

The School made a referral to the DBS on 4 May 2020 and the DBS referred the matter to the TRA on 9 February 2021.

Findings of fact

The findings of fact are as follows:

- 1. On an 18 December 2019, during a lesson and when speaking to pupils, you:**
 - a) Referred to bestiality, in that you made reference to you being willing to engage in sexual activity with a horse.**

Mr Rix, in a letter from his representative dated 21 October 2021, stated that on or around 18 December 2019, Student C came into the class extremely agitated. Mr Rix described Student C as incredibly violent, but Mr Rix was able to get Student C in a calm

state whereby he sat at [REDACTED] desk. He then started to engage in conversation with Student B. During his exchange, Student B said that [REDACTED] had a metal plate in [REDACTED] eye socket; Student C then said “would you let a dog spunk in it”; “would you let a dog have sex with your eye”; and “would you let a donkey have sex with you in your eye”. Mr Rix was trying to stop this, stating how inappropriate the comments and language was.

Mr Rix recognised that Student B was becoming aggressive and radioed for support, but none came. Following on from the comments made by Student C, Mr Rix stated that he “*would do it with a horse*” because it’s called artificial insemination, going on to explain that people harvest sperm from racehorses. In response, Student B laughed and said “*you said you’re going to want off a horse for five grand*”. Mr Rix submitted that he was trying to shift the focus of the conversation towards a scientific route. Mr Rix fully accepted that this was not the best way of diffusing the situation, however at the time his entire focus was on preventing a violent outburst and to restore order to the situation. Despite Mr Rix’s misjudged comments, the situation did diffuse without further aggression or violence between the two pupils.

The panel noted the statement and oral evidence of [REDACTED]. [REDACTED] explained that, prior to the formal investigation into Mr Rix in 2020, [REDACTED] had previously spoken to Mr Rix about his behaviour and in relation to the discussion about bestiality.

[REDACTED] submitted that, on around 17/18 December 2019, [REDACTED] was in the playground when Pupil I approached him; Pupil I reported that [REDACTED] was not happy with what Mr Rix had said in a science lesson. Pupil I explained that the pupils had been discussing a video where someone was masturbating to a horse and a pupil asked Mr Rix if he would do that, to which Mr Rix replied that he would, if the money was right or words to that effect.

[REDACTED] told Pupil I that [REDACTED] would speak to Mr Rix. After this disclosure, [REDACTED] spoke with Mr Rix. It was an off the record chat where they discussed what happened and [REDACTED] said words to the effect that if the child does not stop a conversation, then, as a teacher, Mr Rix needed to stop it. [REDACTED] stated that Mr Rix said he should have realised what he had done and promised to not let it happen again.

The letter from Mr Rix’s representative accepted, in part, the allegation but stated that he was trying to talk about the topic in a science related way rather than bestiality. It is of note that this conversation took place in a science lesson.

The panel noted that the school did not take this particular incident any further and that an informal chat with [REDACTED] seemed to suffice and that they were satisfied with the explanation Mr Rix had given.

The panel found allegation 1(a) not proven.

2. On 7 January 2020, during a conversation of a sexual nature between a group of pupils who were discussing a sexually provocative female dancer, you:

a) Said 'does she have greasy nipples?' or words to that effect.

Mr Rix admitted allegation 2(a). Mr Rix recalled entering the classroom where a conversation was taking place between a pupil and the [REDACTED], when the pupil asked him "Sir do you know who Sticky Vicky is?" Mr Rix said he misunderstood what he was being asked and thought the pupil was asking about a punk band (the Macc Lads) who had a song whose lyrics include the line "*Sweaty Betty, she's got greasy nips and works on a sewage farm*". Thinking the pupil was referring to this band, and song, Mr Rix repeated the line from the song to which the pupil replied "No". Realising his mistake, Mr Rix stated that he did not know who Sticky Vicky was and brought the conversation to an end. Mr Rix fully accepted that making reference to such lyrics from a punk band was entirely inappropriate.

[REDACTED] believed that this incident was reported on 14 January 2020 by [REDACTED]. [REDACTED] explained that [REDACTED] could not understand why Mr Rix had brought this up in conversation. A pupil had asked Mr Rix who "*Sticky Vicky*" was and Mr Rix said that they would find out when they went abroad.

The panel found allegation 2(a) proven.

3. On 13 January 2020, during a lesson:

- a) You used suggestive body language and/or hand gestures of a sexual nature mimicking the movement over breasts;**
- b) You encouraged Pupil A to jiggle and/or touch her breasts in response, as she was copying everything you did;**
- c) You used suggestive body language and/or hand gestures of a sexual nature mimicking sucking of a penis in front of pupils and a staff member;**
- d) You encouraged Pupil A to copy the sexual gesture of sucking of a penis; and**
- e) Your use of suggestive body language and/or hand gestures of a sexual nature made pupils and/or a colleague uncomfortable.**

Mr Rix admitted allegations 3(a), 3(c) and 3(e), but denied allegations 3(b) and 3(d). Mr Rix reported that prior to his lesson, Pupil A had been disruptive and had been removed

from [REDACTED] earlier lessons; Mr Rix had heard [REDACTED] in the corridor and had also heard reports of [REDACTED] behaviour on the radio. Mr Rix submitted that hearing this before [REDACTED] attended the lesson with him made him anxious as to how [REDACTED] would present. However, Mr Rix stated that Pupil A arrived to his lesson in “*good spirits*”. He noticed that [REDACTED] was mimicking his hand movements when he was explaining the content of the science lesson. Mr Rix recalled asking Pupil A to stop copying his actions but, when [REDACTED] continued, he mistakenly decided to try to get [REDACTED] to stop by doing silly movements, such as putting his fingers in his ears, touching his nose etc.

Mr Rix rotated his hands in front of his chest (without touching himself) as part of the silly gestures he was carrying out in the misguided attempt to get Pupil A to stop copying him. The panel considered this matter carefully and, although putting his hand in front of his chest was inappropriate, there had been no evidence to suggest that his actions were of a sexual nature. The panel also were unable to hear live evidence from Pupils A, B and F which made it difficult to understand the full circumstances of allegation 3.

Mr Rix accepted that he then went too far. Mr Rix submitted that he did not, however, encourage Pupil A to “jiggle [REDACTED]” as the allegation suggests and believed that this part of the allegation was not supported by any of the pupils’ statements. The panel felt that Pupil A was clearly engaged in what Mr Rix was doing and copying what he did. He was aware of this, and the panel felt that by continuing his actions he would have been encouraging Pupil A to mimic them. Further to this, a number of the pupils’ statements confirmed that Pupil A engaged with Mr Rix actions and that he was leading them.

Mr Rix admitted that he put his clenched hand up to a closed mouth, which Pupil A copied. At this point, Mr Rix realized that he had gone too far and that his actions were inappropriate. Mr Rix apologized to Pupil A who seemed to see the entire incident as a joke, and which did not make [REDACTED] feel uncomfortable. Mr Rix recognised his mistake but stated that it was never his intention to humiliate or embarrass Pupil A, or any other pupil.

On 13 January 2020, [REDACTED] recalled that [REDACTED] was about to go into a meeting when [REDACTED] said that [REDACTED], needed to speak with [REDACTED]. [REDACTED] informed [REDACTED] that [REDACTED] had received a complaint from [REDACTED], in relation to Mr Rix’s behaviour whilst teaching pupils. [REDACTED] provided [REDACTED] with the incident report prepared by [REDACTED]. The incident report was in relation to movements that Mr Rix had made and which a pupil had copied.

[REDACTED] met with Mr Rix on 14 January 2020. During the conversation, after admitting to making the movements in front of the pupils, [REDACTED] believed that Mr Rix went on to say that “*he just wanted to make Pupil A smile*”. [REDACTED] asked whether he rubbed his chest and Pupil A followed; Mr Rix replied “*yes, I suppose so*” or

words to that effect. [REDACTED] then asked if Mr Rix made an oral sex gesture; Mr Rix confirmed he did, but that he told Pupil A not to copy. Mr Rix said that he liked to “*have a laugh*” with the pupils. [REDACTED] stated that [REDACTED] told Mr Rix that the classroom was not the staffroom, and that this behaviour was not acceptable.

[REDACTED] spoke with Pupil A, who reported that [REDACTED] had been present in the classroom when Pupil A was copying Mr Rix’s movements and [REDACTED] jiggled her chest and then tried to copy Mr Rix’s oral sex gesture, but Mr Rix told Pupil A not to do this.

The panel noted the witness statement and oral evidence of [REDACTED], who submitted that, on 13 January 2020 [REDACTED] was in Mr Rix’s classroom collecting lunch orders, when [REDACTED] noticed Mr Rix moving his hands over his chest and Pupil A was copying him. The movement he was making with his hands was an up and down movement on his upper chest area. Pupil A copied this movement and jiggled [REDACTED]. The panel heard that [REDACTED] felt his actions were inappropriate and made [REDACTED] feel uncomfortable to the extent that a report was made.

Mr Rix was aware that [REDACTED] was in the classroom but continued to make movements. Mr Rix then mimicked a “blow job” movement and Pupil A copied this too. [REDACTED] submitted that Mr Rix did not tell Pupil A to stop copying his movements at any point. [REDACTED] could not recall when but stated that Mr Rix apologised to Pupil A and said something to the effect of “*Sorry, I should not have done that that was really inappropriate.*” The panel felt that this action was clearly of a sexual nature and could not have been construed in any other way.

Further to this the panel considered the statement of Student E who left the classroom due to finding the situation weird and uncomfortable.

The panel found allegations 3(b), 3(c), 3(d) and 3(e) proven.

The panel did not find 3a proven.

4. On an unknown date, whilst speaking with a group of female pupils, you:

- a) Used a sexually provocative comment on more than one occasion, in that you said, ‘girls, get your golden vaginas out’ or words to that effect;**
- b) Used a sexually provocative comment in that you said, ‘make you put your golden vaginas away’ or words to that effect; and**
- c) Made pupils uncomfortable when making comments of a sexual nature.**

Mr Rix admitted allegations 4(a) and 4(b). Mr Rix recalled that during a science lesson one of the pupils, who was not taking part in the lesson, shouted to another group “*get your golden vagina out*”; the mistake was noted by Student H who commented that it was

an “*honest mistake*” when talking about Golden Virginia tobacco. Mr Rix said “*gold vagina*”, realized his mistake and then corrected the student by making a comment about Golden Virginia tobacco. Mr Rix did not specifically recall the event but admitted that he may have stumbled over his words and repeated what Student H had said in trying to close the conversation down.

[REDACTED] submitted that [REDACTED] disclosed that Pupil H had a Golden Virginia packet and that [REDACTED] had got his words mixed up; the pupil instead said “*golden vagina*”. In response, Mr Rix started laughing and then turned to 3 female pupils and said “*right girls do you want to get your golden vagina’s out*”. When [REDACTED] spoke to Mr Rix about his incident, Mr Rix admitted making the comment and stated that he wanted to make light of the situation. [REDACTED] submitted that [REDACTED] was “*flabbergasted*”.

The panel noted the witness statement and oral evidence of [REDACTED], who explained that this incident came to light when [REDACTED] was dropping Pupil H to the minibus pick up point on 14 January 2020. Pupil H said [REDACTED] did not like Mr Rix, or words to that effect.

The panel noted the witness statement and oral evidence of [REDACTED]. [REDACTED] stated that the incident came to light in a lesson that [REDACTED] was teaching on 22 January 2020. During the lesson, the female pupils were talking amongst themselves whilst working. [REDACTED] heard a comment that referred to Mr Rix “*being a paedo*” or words to that effect. [REDACTED] then had a conversation with the pupils, who mentioned that Mr Rix said something to them about “*golden vaginas*” in a previous lesson.

[REDACTED] stated that, when [REDACTED] initially heard this comment, [REDACTED] was quite surprised and asked the pupils what they meant. [REDACTED] asked the pupils why Mr Rix would say that and one of them said they thought Mr Rix was talking about a cigarette brand – Golden Virginia and he was trying to make a play on words between “*Golden Virginia*” and “*golden vagina*”. The pupils told [REDACTED] that Mr Rix had said to them “*come on girls, get your golden vaginas out*” or words to that effect. The pupils told [REDACTED] how inappropriate they thought the comment was.

The panel were concerned that Mr Rix had used this language and that a number of pupils felt uncomfortable enough to report it. [REDACTED] specifically noted a change in the pupils’ tone and that they thought it was serious.

The panel noted that there had been more than one reference to ‘*golden vaginas*’ and what may have started off as a misunderstanding, no longer was.

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

5. Your conduct as set out in allegation 1 and/or 2 and/or 3 and/or 4 was sexually motivated.

Mr Rix denied allegation 5. The panel considered Mr Rix's witness statement in which he stated that, although he admits his actions were unprofessional and not those expected of a teaching professional, there was no sexual intent and nor were his actions sexually motivated. The panel carefully considered the advice provided especially in regard to sexual motivation and in particular the case of *Sait v General Medical Council [2018]*.

The panel considered the evidence they had heard in regard to Mr Rix and that a number of pupils described him as weird, that he did not always have control of his class and that he would often have the micky taken out of him by pupils. The panel considered that a lot of his behaviour was inappropriate but was also a way of him trying to have control and leadership of the pupils despite this being severely misguided.

The panel felt that there was clearly no sexual gratification from his behaviour nor had he tried to form sexual relationships with pupils.

The panel found allegation 5 not proven.

6. By your conduct as set out in allegation 1 and/or 2 and/or 3 and/or 4 you:

a) failed to maintain professional boundaries; and

b) failed to act with integrity.

Mr Rix admitted allegation 6. Mr Rix fully accepted that his actions, as described, were outside of that one would expect from a teacher in a classroom setting.

The panel found allegation 6 proven.

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

Having found a number 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 Rix, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Rix 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
 - showing tolerance of and respect for the rights of others
- 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 was satisfied that the conduct of Mr Rix amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

The panel found that none of these offences was relevant.

Accordingly, the panel was satisfied that Mr Rix 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 that they behave.

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, potentially damaging the public perception.

The panel therefore found that Mr Rix's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 2(a), 3(b)-(e), 4(a)-(b), and 6 proved, the panel further found that Mr Rix's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order 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.

The panel were aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and 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 Rix, which involved making inappropriate comments to pupils, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children.

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

In view of 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 the teacher. 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 Rix. 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 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 well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- violating of the rights of pupils;
- deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- dishonesty or a lack of integrity

Even though some of 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 Rix's actions were not deliberate.

There was no evidence to suggest that Mr Rix was acting under extreme duress.

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

The panel were not provided with any mitigation from Mr Rix save for his apology that these events had occurred. The panel considered this to be regret rather than remorse or mitigation. The panel further considered that there was no insight shown by Mr Rix and that the impact this could have had upon the pupils at the school given they were vulnerable.

The panel accepted that the environment that Mr Rix was teaching in could be particularly challenging however they felt this only emphasised the need for him to act in a proper and professional manner.

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 Rix 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 Rix. The repeated inappropriate behaviour involving vulnerable pupils was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 behaviours that, if proved, would militate against the recommendation of a review period. The panel found that none of these behaviours were relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that none of these behaviours were relevant.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review after a two year 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including 1a, 3a and 5. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Rix 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
 - showing tolerance of and respect for the rights of others
- 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 Rix fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include findings which involved making inappropriate comments to vulnerable pupils.

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

In this case, I have considered the extent to which a prohibition order would protect children and/or safeguard pupils. The panel has observed, “In the light of the panel’s findings against Mr Rix, which involved making inappropriate comments to pupils, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children”. A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel were not provided with any mitigation from Mr Rix save for his apology that these events had occurred. The panel considered this to be

regret rather than remorse or mitigation. The panel further considered that there was no insight shown by Mr Rix and that the impact this could have had upon the pupils at the school given they were vulnerable.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils’. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel 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.”

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 and conduct that may bring the profession into disrepute, 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 Rix himself and the panel comment “No evidence was submitted that demonstrates exceptionally high standards in both personal and professional conduct or that Mr Rix contributed significantly to the education sector.”

A prohibition order would prevent Mr Rix 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 comment “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 Rix. The repeated inappropriate behaviour involving vulnerable pupils was a significant factor in forming that opinion.”

I have also placed considerable weight on the finding of the panel that “The panel accepted that the environment that Mr Rix was teaching in could be particularly

challenging however they felt this only emphasised the need for him to act in a proper and professional manner.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Rix 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 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 2 year review period.

I have considered the panel’s comments “The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that none of these behaviours were relevant.” The panel has also said “The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review after a two year period.”

I agree with the panel that a 2 year review period is proportionate in this case to maintain public confidence and is in the public interest.

This means that Mr Nigel Rix 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 2025, 2 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 Rix remains prohibited from teaching indefinitely.

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

Mr Rix 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: 6 September 2023

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