



Teaching
Regulation
Agency

Mr Tyler Lewis: Professional conduct panel outcome

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

September 2023

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

Teacher:	Mr Tyler Lewis
Teacher ref number:	1864614
Teacher date of birth:	02 January 1996
TRA reference:	0020985
Date of determination:	14 September 2023
Former employer:	The Corsham School, Wiltshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 11 September 2023, to consider the case of Mr Tyler Lewis (“Mr Lewis”).

The panel members were Mr Paul Millett (lay panellist – in the chair), Mrs Sharon Bhogal (teacher panellist) and Ms Antonia Jackson (teacher panellist).

The legal adviser to the panel was Miss Carly Hagedorn of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP solicitors.

Mr Lewis was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 19 June 2023.

It was alleged that Mr Lewis was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a Teacher of PE at The Corsham School:

1. Between approximately 2020 and May 2022 he exchanged messages with Student A via social media and messaging apps;
2. Between approximately 2020 and May 2022 he did not report to the School's Designated Safeguarding Lead or to his line manager that Student A was sending him messages;
3. Between approximately 2020 and May 2022, he behaved inappropriately towards Student A in that he:
 - a) Hugged Student A;
 - b) Gave Student A flowers;
 - c) Sent Student A a note saying "Remember how beautiful you are" or words to that effect;
 - d) Told Student A that she looked good and/or pretty, or words to that effect;
 - e) Met Student A outside school on one or more occasion; and/or
 - f) In around December 2021, he gave Student A perfume.
4. Between approximately 2020 and May 2022, he:
 - a) sent exchanged nude picture(s) of himself with to Student A;
 - b) asked Student A to send him nude picture(s) of herself
5. Between approximately 2020 and May 2022 he discussed sleeping with Student A, with her;
6. Between 17 November 2021 and May 2022, he exchanged messages/phone calls with Student A and/or met up with her:
 - a) When he had received a Management Note of Expectations on 17 November 2021; and/or
 - b) When he was subject to a First Written Warning imposed due to his exchanging messages with Student A.
7. On 14 January 2022, during an investigatory interview into his relationship with Student A, he:

- a) Said that he had not exchanged messages with her since 17 November 2021, when this was not the case;
 - b) Said that he had not met her in person since 17 November 2021, when this was not the case;
 - c) Did not give an accurate impression of his interactions with Student A.
8. His conduct towards Student A was sexual and/or sexually motivated.
9. His conduct as may be proved at paragraphs 2 and/or 7 was:
- a) Dishonest and/or
 - b) Lacking in integrity

In the absence of a complete response from the teacher in respect of the facts of each allegation, the panel treated the allegations as not admitted. Similarly, in the absence of a complete response, the panel treated the allegations of unacceptable professional conduct and/or conduct that may bring the profession into disrepute as not admitted.

Preliminary applications

Proceeding in Absence

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

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* [2003] 1 AC1 that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162.

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

The panel considered the email correspondence between Mr Lewis and the TRA's legal representatives from 3rd to 27th August 2023. Mr Lewis was asked by the TRA's legal representatives whether he would be attending the hearing and whether he would have representation. In response, Mr Lewis said *"I can confirm I won't be attending the final hearing. I can also confirm that I won't have any legal representation at the hearing."*

The TRA's legal representatives also asked whether Mr Lewis would attend the hearing via a video link and was made aware of his entitlement to postpone until such time as he would be able to attend the hearing.

In his email dated 28 August 2023, Mr Lewis said:

"I can confirm that:

A. I do not wish to for the hearing to be postponed.

B. I will not be attending the virtual hearing on 11 September 2023."

The panel considered Mr Lewis' letter to the panel which stated *"I wish to apologies for my inability to attend the hearing over the next 3 days. I now currently work in a role where absence from work results in loss of earnings. To add to the matter, I have no annual leave left to cover the 3 days of hearings; therefore, I am unable, financially, to make that commitment. Again, please accept my apologies for this."*

The panel was satisfied that Mr Lewis was aware of the virtual hearing taking place today and considered that Mr Lewis deliberately waived his right to be present at the hearing in the knowledge of when the hearing was taking place.

The panel did not consider that an adjournment might result in the teacher attending voluntarily, given that Mr Lewis had already stated that he did not wish for the hearing to be postponed. The panel also considered that an adjournment may result in a lengthy delay.

Mr Lewis provided the panel with some of his representations in respect of the allegations. The panel noted that all witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking

into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The allegations include reference to Student A who will have an interest in having the allegations determined within a reasonable time. The conduct alleged is said to have taken place whilst the teacher was employed at Corsham School. The School will have an interest in this hearing taken place in order to move forwards.

The panel also noted that there are number of witnesses present at the hearing, including Student A, who are prepared to give evidence, and that it would be inconvenient and distressing for them to return again. Delaying the case may impact upon the memories of those witnesses.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of his right to appear and taking account of the inconvenience an adjournment would cause to the witnesses, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

Amendment to Allegation

An application was made by the presenting officer to amend allegation 4(a) by removing the words "exchanged" and with". The panel has the power to, in the interests of justice, amend an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher, and the parties were afforded that opportunity. The teacher opposed the application in an email dated 4 September 2023 on the ground that the amendment makes a difference to how the allegation is read and what the allegation is implying. Mr Lewis stated that "*The change of wording has had no effect on my stance on the allegation but the wording has swayed the allegation heavily against just myself as oppose to the initial wording that suggested it was a two way matter.*"

The panel noted that this application was made at a late stage in the proceedings, and exercised caution to ensure that there was no unfairness to the teacher.

The panel considered that the amendment proposed did not change the nature, scope or seriousness of the allegation. The panel noted that it is the teacher who is accused of misconduct, and so what Student A did or did not do was irrelevant. The panel did not consider that there was any prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The panel therefore decided to amend the allegation as proposed.

Allegation 4(a) now read as follows:

"4. Between approximately 2020 and May 2022, you:

a. sent nude picture(s) of yourself to Student A;"

Additional Documents

The presenting officer applied to admit a disclosure bundle of unused material consisting of interview notes between Student A and the TRA's legal representatives and an unsigned witness statement of Student A. The presenting officer also applied to admit a two page email chain between the TRA's legal representative and Mr Lewis in respect of the TRA's application to amend allegation 4(a), a table correcting exhibit references within the bundle and a video taken by Student B, which was referred to in the main hearing bundle.

The panel noted that Mr Lewis had provided a letter to the members of the panel, dated 27 August 2023, which had been added to the end of the hearing bundle.

The presenting officer confirmed to the panel that the disclosure bundle and the video were sent to the teacher on 3 July 2023, over ten weeks before the hearing, but the covering letter stated that the TRA would not be relying on the disclosure bundle.

The aforementioned documents were not served in accordance with the requirements of paragraph 5.36 or 5.37 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 5.34 of the Procedures at the discretion of the panel.

The panel took into account the representations from the presenting officer and enquired whether the teacher had been sent the disclosure bundle and video to review. The presenting officer stated that Mr Lewis was provided with the disclosure bundle and the

video link at the time of that the hearing bundle was sent to him. The presenting officer stated that the documents contained in the disclosure bundle, were not documents that the TRA wished to rely on at the hearing, but the TRA considered that they may be capable of assisting Mr Lewis' case or potentially undermining the TRA's case, noting that some inconsistencies had arisen from these documents. On that basis, the presenting officer said that it was only fair to bring the panel's attention to the disclosure bundle.

The presenting officer did not object to Mr Lewis' letter to the panel being admitted as late evidence.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that all of the documents were relevant to the case. The panel considered that Mr Lewis' letter was relevant to ascertain his position in respect of some allegations. The panel also noted that the presenting officer had stated that the disclosure bundle may assist Mr Lewis' case, and both the disclosure bundle and video link were provided to Mr Lewis in advance of the hearing. The video was relevant to understand the context and setting of the phone call between Student A and Mr Lewis, albeit a transcript of the video recording was provided in the bundle. The table correcting errors to exhibit numbers was relevant to ensure accuracy of references. The email chain setting out Mr Lewis' position in respect of the amendment to allegation 4(a) was relevant to understand Mr Lewis' position on this matter.

With regard to the overall question of fairness, the panel noted that if the disclosure bundle was admitted, the presenting officer and panel would have the opportunity to ask questions of Student A in respect of these documents and test her evidence. The presenting officer stated that the disclosure bundle and video link had been shared with Mr Lewis when the hearing bundle had been sent to him, on 3rd July 2023. The panel also considered the question of fairness in respect of the other documents, and noted that it was in both parties interests to admit the documents.

The panel concluded that it would be fair, for the reasons outlined above, to admit the documents.

The panel decided to admit each of the documents and these were paginated as follows:

- Mr Lewis' letter to the panel (already contained in the hearing bundle) – pages 319 to 320
- Email between TRA's legal representative and Mr Lewis dated 4 September 2023 – pages 321 to 322
- Table correcting errors to exhibit references – page 323
- Student B video – page 324

- Section 6 – Disclosure Bundle – 325 to 345

Summary of evidence

Documents

In advance of the hearing, 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 proceedings and response – pages 7 to 16

Section 3: Teaching Regulation Agency witness statements – pages 17 to 42

Section 4: Teaching Regulation Agency documents – pages 43 to 312

Section 5: Teacher documents – pages 313 to 320

In addition, the panel agreed to accept the following:

Section 5 (continued):

- Mr Lewis' letter to the panel (already contained in the hearing bundle) – pages 319 to 320
- Email between TRA's legal representative and Mr Lewis dated 4 September 2023 – pages 321 to 322
- Table correcting errors to exhibit references – page 323
- Student B video – page 324

Section 6:

- Disclosure Bundle – 325 to 345

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 individuals who were called on behalf of the TRA:

Witness A – [REDACTED]

Witness B – [REDACTED]

Witness C – [REDACTED]

Student A – [REDACTED]

Student B – [REDACTED]

Mr Lewis was not present at the hearing and did not call any witnesses on his behalf.

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 Lewis commenced employment at The Corsham School (“the School”) on 1 September 2019 as a PE teacher.

On 21 June 2021 a concern was raised by a [REDACTED] of a student regarding Mr Lewis’ contact with Student A on social media. Mr Lewis attended a formal investigation meeting on 16 July 2021 after admitting to having private communications with Student A in 2020 but that the conversations were school-related and he had since deleted the messages. Mr Lewis was reminded of the Staff Code of Conduct and specific provisions relating to contact with pupils on social media and personal telephones. Following this meeting, Mr Lewis undertook additional safeguarding training and the statutory safeguarding training.

On 19 October 2021, a [REDACTED] student raised concerns about ongoing communication between Student A and Mr Lewis. A management note was filed and a letter of expectation was issued to Mr Lewis on 17 November 2021 following this concern.

On 4 January 2022, Mr Lewis was witnessed speaking to Student A by a colleague in the leisure centre car park. Mr Lewis was suspended from duties on 7 January 2022 pending an investigation. A disciplinary hearing was held on 23 March 2022 and a formal warning was imposed.

On 20 May 2022, additional concerns were raised by members of staff about inappropriate behaviour by Mr Lewis towards Student A. Mr Lewis was subsequently suspended from duties pending an investigation on 26 May 2022.

Mr Lewis resigned from his post on 31 May 2022 effective 31 August 2022. The School accepted his resignation whilst a second disciplinary hearing was pending. The disciplinary hearing was held on 12 July 2022 and Mr Lewis’ employment was terminated with immediate effect.

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. Between approximately 2020 and May 2022 you exchanged messages with Student A via social media and messaging apps;

Mr Lewis admitted sending private messages to a [REDACTED] student via Instagram in the School's formal investigation meeting on 16 July 2021. During the interview, Mr Lewis agreed with the investigating officer in that the private messages started in March 2020 and lasted until August/September 2020. Mr Lewis said during the meeting that *"it was just a few messages during this period about [REDACTED] queries."*

Student A said that on the last day of [REDACTED] *"I received a direct message from Tyler Lewis' on Instagram. He did not follow me on Instagram nor did I follow him at the time, therefore this came through as a message request. I accepted his message, meaning that we automatically followed each other on Instagram from this point onwards. The message said "I told you I'd find you with laughing emojis... From this point onwards, we were talking on Instagram for around a day about general things."* The panel noted that Mr Lewis' account is that Student A messaged him first.

Student A said *"At the time I did not like speaking on Instagram messages, I preferred using Snapchat...As such, I asked Tyler Lewis for his snapchat which he sent to me instantly."*

Student A stated in oral evidence that she had communicated with Mr Lewis on I-Message, WhatsApp, Instagram and Snapchat on a daily basis, during the school day (including during lessons that Mr Lewis was leading at which Student A was present) and after school.

The panel heard evidence from Witness C who said that on 20 May 2022, the last day of [REDACTED], *"Student A stayed outside the PE block and was texting on her phone, during this time I noticed that Tyler Lewis' phone would buzz, then he would type and Student A's phone would buzz. They would then glance at each other. It was really odd."* Witness C said that she approached Student A and *"asked her what was going on, and she said 'he's been texting me and won't stop' and continued to state that it 'didn't matter now' as she had 'left'. I understood this to mean that it was her last day so she had technically left school so she could speak to him."*

The panel found Witness C to be an honest and reliable witness.

In addition, the panel noted that the messaging between Student A and Mr Lewis was the subject of the three investigations by the School with different outcomes relating to the School code of conduct and disciplinary policy. Each outcome stepped up the School's response to the messaging as the concerns escalated around personal communication between Student A and Mr Lewis.

The panel found allegation 1 proved.

2. Between approximately 2020 and May 2022 you did not report to the School's Designated Safeguarding Lead or to your line manager that Student A was sending you messages;

Mr Lewis did not respond to this allegation.

The panel noted that in the School's formal investigation meeting on 16 July 2021, Mr Lewis admitted that he and Student A had been sending private messages via Instagram. However, the panel noted that there was no evidence to suggest that Mr Lewis had reported the private messages from Student A on his own volition.

Witness B stated *"I can confirm that Tyler Lewis did not, at any point, report receiving messages from Student A to the Designated Safeguarding Lead, his Line Manager, or any other member of staff in the school."*

The panel described Witness B as an honest witness.

The panel took the view that Mr Lewis was deliberately concealing his private messaging with Student A and so did not report the contact to the School because he knew his behaviour was wrong.

The panel found allegation 2 proved.

3. Between approximately 2020 and May 2022, you behaved inappropriately towards Student A in that you:

a) Hugged Student A;

Mr Lewis did not respond to this allegation.

Student A said that on 1 May 2020, *"Tyler Lewis dropped off a bunch of flowers at the top of my road, this was on the [REDACTED]... I crossed the road once I saw him, he gave me the flowers and also gave me a hug."*

During oral evidence, Student A described feeling worried that one of her [REDACTED] may see her with Mr Lewis at the top of her road and described her [REDACTED] as being *'protective over her'*.

Student A stated that in December 2021, she *"met with Tyler Lewis outside JD in Bath. We hugged, and talked for about 10 minutes or so."*

When asked by the panel how many times Mr Lewis had hugged her, Student A said *"a maximum of six times"*.

The panel did not see any reason as to why Student A would be untruthful about the hugging incidents.

The panel had sight of pictures where Mr Lewis and Student A were pictured together and Mr Lewis had his arm around Student A. The panel considered these photographs displayed images of hugging between Mr Lewis and Student A.

The panel stated that it would be inappropriate for a teacher to hug a child unless there are specific circumstances, for example to comfort a distressed child. Even then, the panel noted that a hug should be given 'side to side' rather than from the front.

The panel found allegation 3(a) proved.

b) Gave Student A flowers;

Mr Lewis did not respond to this allegation. The panel noted that Witness B's investigation report dated 22 June 2022, stated that Mr Lewis denied sending flowers to Student A.

Student A stated that she told Mr Lewis about her plans to visit a [REDACTED] and he asked if he could meet her to give her flowers and come with her. Student A said *"No. Not only did I not want that, it was also against the COVID rules at the time. On this day, Tyler Lewis and I were texting when I left my house with my dogs and he was stood about 30-40 yards away from my house, outside his car, with a bunch of flowers. He must have been waiting for me to come out. I crossed the road once I saw him, he gave me the flowers and also gave me a hug, which I was not comfortable with because of COVID rules."*

Witness B stated that he met with Student A and her [REDACTED] on 27 May 2022 to discuss the concerns raised by staff members on 20 May 2022 that Mr Lewis and Student A had been texting. Student A disclosed in that meeting that Mr Lewis had also sent flowers to her home address.

The panel stated that it would be inappropriate for a teacher to give a student flowers in these circumstances. There may be certain exceptions, where flowers may be given to a student, such as during an award ceremony, but this was certainly not the case here.

The panel found allegation 3(b) proved.

c) Sent Student A a note saying "Remember how beautiful you are" or words to that effect;

Mr Lewis did not respond to this allegation.

Witness B stated that he met with Student A and her [REDACTED] on 27 May 2022 to discuss the concerns raised by staff members on 20 May 2022 that Mr Lewis and Student A had been texting.

Student A disclosed in that meeting that Mr Lewis had sent flowers to her home address with a note attached stating *"remember how beautiful you are."*

When asked about this during the hearing, Student A said that she had initially texted her [REDACTED] to see if the flowers with the note were from him, but when he confirmed that the flowers and note were not from him, Student A texted Mr Lewis to ask whether he had sent them. Student A said that Mr Lewis replied saying *"you're welcome"* or words to that effect.

The panel stated that it would be clearly inappropriate for a teacher to give a student flowers with a note saying *"remember how beautiful you are"*.

On the balance of probabilities, the panel found allegation 3(c) proved.

d) Told Student A that she looked good and/or pretty, or words to that effect;

Mr Lewis did not provide a response to this allegation.

Student A said that she had changed her skirt on the last day of term, in that she made it tighter and shorter. She said that *“Tyler Lewis repeatedly mentioned how good I looked that day and made comments on what I’d done to my skirt to tighten it around my body.”*

Student B stated *“I also recall Tyler Lewis saying that Student A “looked good in her outfit today” or that she “looked nice today.” It made me feel uncomfortable, however I do not believe Student A felt uncomfortable by it.”*

The panel did not see any reason as to why Student A would be untruthful about this incident and found her to be consistent when giving her recollection of events at the hearing.

The panel stated that it would be clearly inappropriate for a teacher to give a student compliments about their physical appearance and is a failure to maintain the teacher-pupil boundary.

The panel found allegation 3(d) proved.

e) Met Student A outside school on one or more occasion; and/or

Mr Lewis did not provide a response to this allegation. The panel noted that Witness B’s investigation report dated 22 June 2022, stated that Mr Lewis *“did admit that he met Student A in Bath on a weekend. He added that this was not a planned meeting.”*

Student A stated that in December 2021 she met up with Tyler Lewis in Bath. Student A said *“Tyler Lewis told me that he would stop in Bath on his way back to Bristol purely just to see me.”*

Witness A said that on 4 January 2022, she saw Student A and Tyler Lewis in their cars parked next to each other in the leisure centre car park which was next to the School. Witness A said *“one car had reversed into the space meaning that their windows were next to one another and they were talking. The whole scenario seemed planned, and wrong. It did not look like this had happened by chance.”*

The panel noted that Mr Lewis had visited her road during lockdown with flowers as referred to above in allegation 3(b).

Student A stated that she had bumped into Mr Lewis in an alleyway after having her hair done at his expense and said that there may have been two or three more occasions where she met with Mr Lewis outside of school.

The panel found both Student A and Witness A to be honest when giving their recollection of events.

The panel stated that it would be clearly inappropriate for a teacher and student to meet outside of school in these circumstances.

The panel found allegation 3(e) proved.

f) In around December 2021, you gave Student A perfume.

Mr Lewis did not provide a response to this allegation. The panel noted that Witness B's investigation report dated 22 June 2022, stated that Mr Lewis "*admitted to buying perfume for his [REDACTED] adding that he ended up giving the perfume to student A.*"

Student A stated that in December 2021 she met up with Tyler Lewis in Bath. Student A said "*...I met with Tyler Lewis outside JD in Bath. We hugged, and talked for 10 minutes or so. During this conversation he gave me a Gucci perfume as a present, he did not give a reason as to why he bought this for me.*"

Student A said that Mr Lewis had bought the same perfume for his [REDACTED].

The panel stated that it would be clearly inappropriate for a teacher to give a gift of perfume to a student. The panel noted that only appropriate gifts should be given to students in appropriate situations to all students in a class, such as a book voucher.

The panel found allegation 3(f) proved.

4. Between approximately 2020 and May 2022, you:

a) sent nude picture(s) of yourself to Student A;

Mr Lewis stated that "*Recent, newly formed, claims that I had sent inappropriate picture(s) of myself to Student A are just not correct and frankly a lie. I can categorically say that I have never sent any sexually motivated or revealing pictures to student A across any platform at any time. This has just not happened.*"

Student A said that she and Tyler Lewis sent nudes to each other. Student A said "*I never sent a fully nude photo however, Tyler Lewis' photos were always fully nude. After I sent the photo of myself, Tyler Lewis sent me a photo back of his penis.*"

When questioned by the panel, Student A described the types of images that Mr Lewis would send to her. Student A said that Mr Lewis would take photos using his back facing camera of his penis.

The panel noted that there was a conflict between the two accounts above. The panel attached greater weight to Student A's account and found her to be a compelling witness when giving evidence.

On the balance of probabilities, the panel found allegation 4(a) proved.

b) asked Student A to send you nude picture(s) of herself

Mr Lewis did not respond to this allegation.

Student A said that *“Tyler Lewis would say ‘oh my god your body looks amazing, what about behind?’ or words to that effect, implying that he wanted to see a photo of my bum.”*

During oral evidence, Student A said that in COVID lockdown she was often wearing bikinis because of the heatwave. She had sent photographs of herself in a bikini and underwear in the mirror to Mr Lewis and he would reply by saying *“What’s under there then?”* Student A said that she replied *“I wonder.”*

Student A said that Mr Lewis never asked for nude pictures directly. Instead, he would ask around the question.

The panel took the view that whilst Mr Lewis may not have specifically asked the direct question, this was implied by the types of comments he made to Student A.

On the balance of probabilities, the panel found allegation 4(b) proved.

5. Between approximately 2020 and May 2022 you discussed sleeping with Student A, with her;

Mr Lewis did not provide a response to this allegation.

Student A said *“at one point during the lockdown period of 2020, the government allowed the children of key working parents to go into school.... Tyler Lewis repeatedly mentioned that I should go into school and meet him in the S block changing rooms, which he had the keys to. He said that it would be a ‘good place to have sex, and a place he’s always wanted to have sex with me’ or words to that effect.”*

Student A expanded upon this statement in oral evidence. Student A stated that Mr Lewis would say *“it would be me and you. I’m the only one with the keys.”*

Student A explained that Mr Lewis *“didn’t say ‘I want to have sex with you’ but everything led to sex.”*

Student A referenced the times that Mr Lewis had invited her to his house when his [REDACTED] was not there. Student A said *“why else would I be going to his house after school when his [REDACTED] isn’t there?”*

The panel took the view that whilst Mr Lewis may not have specifically discussed the direct topic of sleeping with Student A, this was implied by the types of comments he made to Student A. Student A stated that she never had sex with him and only met with him in public venues in order to avoid him making sexual advances to her. Student A stated in her oral evidence that *“he was serious about it. If I turned up, he wouldn’t have turned me away.”*

On the balance of probabilities, the panel found allegation 5 proved.

6. Between 17 November 2021 and May 2022, you exchanged messages/phone calls with Student A and/or met up with her:

a) When you had received a Management Note of Expectations on 17 November 2021; and/or

The panel had sight of the Management Note dated 17 November 2021.

The panel considered the evidence in proven allegation 1, whereby the panel had found that Mr Lewis had exchanged messages with Student A via social media and messaging apps during this timeframe.

The panel also considered the evidence in proven allegation 3(e) whereby the panel had found that Mr Lewis had met up with Student A outside school during this timeframe.

The panel found allegation 7(a) proved.

b) When you were subject to a First Written Warning imposed due to your exchanging messages with Student A.

The panel had sight of the first written warning dated 23 March 2022.

The panel considered the evidence in proven allegation 1, whereby the panel had found that Mr Lewis had exchanged messages with Student A via social media and messaging apps during this timeframe.

The panel also considered the evidence in proven allegation 3(e) whereby the panel had found that Mr Lewis had met up with Student A outside school during this timeframe.

The panel found allegation 7(b) proved.

7. On 14 January 2022, during an investigatory interview into your relationship with Student A, you:

a) Said that you had not exchanged messages with her since 17 November 2021, when this was not the case;

The panel had sight of the formal investigation meeting minutes dated 14 January 2022.

During the investigation meeting, Witness B asked Mr Lewis if he had *“communicated with the student since our safeguarding/management meeting on the 17th November on any digital platform (including school platforms/emails) or via telephone comms?”*

Mr Lewis responded by saying *“No. I walked into L21 (Library classroom in school) when she was having a 1:1 with a member of staff for revision.”*

The panel considered the evidence in proven allegation 1, whereby the panel had found that Mr Lewis had exchanged messages with Student A via social media and messaging apps during this timeframe.

The panel found allegation 7(a) proved.

b) Said that you had not met her in person since 17 November 2021, when this was not the case;

During the investigation meeting on 14 January 2022, Witness B asked Mr Lewis if he had *“met the student outside of school at any time?”* Mr Lewis replied *“No”*.

The panel also considered the evidence in proven allegation 3(e) whereby the panel had found that Mr Lewis had met up with Student A outside school during this timeframe, for example in Bath in December 2021.

The panel found allegation 7(b) proved.

c) Did not give an accurate impression of your interactions with Student A.

Having found allegations 7(a) and 7(b) proved, the panel was of the view that Mr Lewis failed to give an accurate impression of his interactions with Student A at the investigatory meeting on 14 January 2022.

The panel saw evidence in the investigation report dated 22 June 2022 which stated that *“...Mr Lewis admitted to not telling the truth during a previous investigation meeting (14th Jan 2022) and at the Disciplinary Hearing of 23rd March 2022. Mr Lewis added that there was a ‘sense of getting away with it, that it hadn’t come up so he didn’t flag it up based on the worry’.*

The panel found allegation 7(c) proved.

8. Your conduct towards Student A was sexual and/or sexually motivated.

The panel noted that Mr Lewis had said that *“I can categorically say that I have never sent any sexually motivated or revealing pictures to student A across any platform at any time.”*

The panel had regard for the legal adviser’s advice.

The panel needed to consider whether, even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case.

The panel noted that in the case of *Basson v GMC (2018)*, it stated *“the state of a person’s mind is not something that can be proved by direct observation. It can only be proved by inference or deduction from the surrounding evidence”*.

It was also stated in this case that a sexual motive means the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship.

The panel considered the case of *GMC v Haris (2020)*. The panel asked itself whether on the balance of probabilities reasonable persons would think the words and actions found

proven could be sexual.

The panel found that, by the very nature of sending nude photographs and the implied discussions about sleeping with Student A, they were sexual.

Furthermore, the panel considered that reasonable persons would think the actions found proven could be sexual.

The panel considered all of the circumstances of the case and believed that Mr Lewis' conduct was done in pursuit of a future sexual relationship. The panel also considered Student A's statement where she said "*throughout my time speaking with Tyler Lewis, he asked me to delete messages as he did not want anyone to find out that we were talking.*" The panel took the view that Mr Lewis was trying to conceal his actions and motivations.

The panel noted that even when Mr Lewis had been dismissed and Student A had left the School, they met up together. Mr Lewis admitted to meeting with Student A on 23 September 2022. Student A stated that she "*went into his car and we kissed.*" Mr Lewis denied that he kissed Student A. Student A said that "*Tyler Lewis had an erection at that time. I could see it and he later confirmed this to me via text.*"

Student A said "*At the time, I thought this was fine as I had left school and he convinced me to think it was okay. He often told me that he should do what makes him happy, and that he could make his own mistakes.*"

The panel found Mr Lewis' conduct to be sexually motivated.

The panel considered that the meeting on 23 September 2022 and the evidence Student A gave about it at the hearing was consistent with the panel's finding that Mr Lewis' conduct in regards to Student A was both sexual and sexually motivated.

The panel found allegation 8 proved.

9. Your conduct as may be proved at paragraphs 2 and/or 7 was:

a) Dishonest and/or

Mr Lewis did not provide a response to this allegation.

The panel had regard to the legal adviser's advice when considering an allegation of dishonesty. The panel needed first to ascertain subjectively the actual state of Mr Lewis' knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mr Lewis' state of mind was honest or dishonest by the application of the objective standards of the ordinary honest person.

The panel firstly turned its mind to the actual state of Mr Lewis' knowledge or belief as to the facts.

The panel noted that Mr Lewis failed to report and/or inform the School about the private messaging via social media with Student A which commenced in or around March 2020. It was only when questioned by the [REDACTED] in an investigation meeting when Mr Lewis admitted that the private messaging had been taking place. Mr Lewis accepted during the investigatory meeting that his behaviour was wrong and in breach of the School's code of conduct and safeguarding policy.

The panel has also found allegations proven in respect of Mr Lewis and Student A meeting up outside of School. The panel noted that Mr Lewis did not report this to the School.

The panel noted that Mr Lewis was aware of what he was doing was wrong. When Mr Lewis was asked why he deleted all of the messages with Student A in the investigatory meeting on 16 July 2021, he said *"because I knew it was wrong."*

Furthermore, the panel found that his actions would be regarded by the standards of ordinary, decent people to be dishonest.

Therefore, the panel found allegation 9(a) proved.

b) Lacking in integrity

When considering lack of integrity, the panel recognised that this allegation connotes adherence to the ethical standards of one's own profession that involves more than mere honesty. It is linked to the manner in which the profession professes to serve the public.

The panel recognised that in addition to Mr Lewis acting dishonestly, his actions impacted on Student A, the [REDACTED] of Student A, other students, his colleagues, other parents and the wider community.

The panel also noted the impact of Mr Lewis' actions would have had on Student A's studies and the other students that he was teaching. The panel noted that his communications with Student A must have been very distracting when studying. Student A stated that Mr Lewis' actions *"probably did impact my education in a negative way because I was distracted."*

The panel considered that Mr Lewis' behaviour did not adhere to the ethical standards of a teacher and was in contrast to the manner in which the profession professes to serve the public.

The panel therefore found allegation 9(b) proved.

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 Lewis, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Lewis 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.
- 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 Lewis, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Lewis was in breach of the following provision:

- Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.

The panel was satisfied that the conduct of Mr Lewis in relation to the facts found proved, involved breaches of Working Together to Safeguard Children. The panel considered that Mr Lewis was in breach of the following provision:

- Everyone who works with children...has a responsibility for keeping them safe.

The panel was satisfied that the conduct of Mr Lewis fell significantly short of the standard of behaviour expected of a teacher. The panel noted the serious failings of Mr Lewis to adhere to the most basic standards expected of a teacher. The panel noted that his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

The panel also considered whether Mr Lewis' 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 offences of sexual activity, sexual communication with a child, 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, controlling or coercive behaviour, harassment and/or stalking and serious dishonesty were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that a number of the allegations took place outside the education setting. The panel considered that Mr Lewis' proven conduct affected the way he fulfilled his teaching role or may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way. The panel noted that Mr Lewis failed to observe the teacher-pupil boundary with Student A and took advantage of his position of power.

Accordingly, the panel was satisfied that Mr Lewis was guilty of 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 Lewis' 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 offences of sexual activity, sexual communication with a child, 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, controlling or coercive behaviour, harassment and/or stalking and serious dishonesty were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher. Mr Lewis failed to comply with the most basic safeguarding duties that one would expect a teacher to uphold.

The panel also noted the impact of Mr Lewis' actions would have had on Student A's studies and the other students in his class. The panel noted that his communications with Student A must have been very distracting when studying. Student A stated that Mr Lewis' actions "*probably did impact my education in a negative way because I was distracted.*"

The panel considered that Mr Lewis' conduct could potentially damage the public's perception of a teacher.

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

Having found all of the facts of the allegations proved, the panel further found that Mr Lewis' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Lewis and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mr Lewis, which involved findings of conduct which was sexually motivated, dishonest and lacked integrity, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate contact with Student A.

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

The panel was not provided with any evidence in respect of Mr Lewis' abilities as an educator. The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Lewis in the profession, since his behaviour fundamentally breached the standards of conduct expected of a teacher, and he sought to exploit his position of trust.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils)
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

- 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 such activity, including one-off incidents;
- failure to act on evidence that indicated a child's welfare may have been at risk, eg, 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)
- violation of the rights of pupils;
- a deep-seated attitude that leads to harmful behaviour;
- 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.

The panel also considered the seriousness of online behaviours including, but not limited to: online misconduct; facilitating online abuse; or facilitating inappropriate relationships (including both online only relationships and where online relationships move into contact relationships). The panel noted that Mr Lewis was using his personal phone to contact Student A via messaging apps and social media.

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 Lewis' actions were deliberate. The panel noted that Mr Lewis failed to report and/or inform the School about the private messaging via social media with Student A which commenced in or around March 2020. It was only when questioned by the [REDACTED] in an investigation meeting when Mr Lewis admitted that the private messaging had been taking place. Mr Lewis accepted during the investigatory

meeting that his behaviour was wrong and in breach of the School's code of conduct. The panel noted that the deliberate concealment of his contact with Student A was extremely concerning.

Mr Lewis stated in his letter to the panel that *"I want to make it very clear that I am completely aware of my wrong doings in this investigation and my inappropriate involvements with Student A have rightfully cost me so much in my life already...I was fairly dismissed from my role within The Corsham School due to my actions on numerous occasions involving Student A and despite warnings given by The Corsham School."*

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

The panel was aware that his role at the Corsham School was his first role as a qualified teacher. There was no evidence to support any previously good history during his teacher training. The panel saw evidence that showed Mr Lewis was previously sent a expectations letter, was subject to a written warning and disciplinary proceedings in respect of his conduct towards Student A.

The panel noted the comments in Mr Lewis' letter dated 27 August 2023:

"My behaviour regarding the situation has been highly unprofessional and should never have happened. For that I am truly sorry. I am also aware that sorry does not fix or make things right. I have been dismissed from my dream job, been barred from working with/coaching/mentoring children again and I have to live with the facts of that. I have and continue to make strides on a daily basis to become a better person and ensure that I give to the community, instead of take."

The panel noted that whilst Mr Lewis had apologised for his conduct, there was no demonstration of any insight or remorse in respect of his misconduct. The panel stated that Mr Lewis failed to demonstrate any degree of empathy or acknowledge the impact of his actions on others, such as Student A, other students, parents, colleagues or the wider community. The panel noted that his letter focused solely on his apology and the impact of his own actions on himself. The panel felt that Mr Lewis did not have a basic understanding of how serious his actions were.

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 Lewis 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 Lewis. The serious findings of sexually motivated conduct with Student A and his deliberate concealment of his actions from the School 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 for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons, any sexual misconduct involving a child, any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents, and child cruelty and/or neglect. The panel found that Mr Lewis was responsible for sexually motivated conduct with Student A, when he sent nude photographs and had implied discussions about sleeping with Student A. The panel acknowledged Mr Lewis' cruel conduct and neglect towards Student A. There was an immediate impact on Student A, from Mr Lewis' serious misconduct. The panel acknowledged that the long term impact on Student A may not come to light for years.

The panel was seriously concerned about Mr Lewis' failure to demonstrate any insight or remorse from his conduct. Mr Lewis offered an apology and focussed on how his conduct had impacted and/or affected him. There was no insight into the impact his actions had had on others, particularly Student A. The panel also noted the lack of engagement to address each allegation in turn, despite being given opportunities to do so by the TRA's legal representatives. The panel was of the view that if Mr Lewis was allowed to teach again, there would be a real risk of repetition.

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 sanction.

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 the allegation 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 Tyler Lewis should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Lewis 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.
- 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 Lewis involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include sexually motivated conduct toward a pupil, dishonesty, and a lack of integrity.

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 Lewis, 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 Lewis, which involved findings of conduct which was sexually motivated, dishonest and lacked integrity, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate contact with Student A." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel noted that whilst Mr Lewis had apologised for his conduct, there was no demonstration of any insight or remorse in respect of his misconduct. The panel stated that Mr Lewis failed to demonstrate any degree of empathy or acknowledge the impact of his actions on others, such as Student A, other students, parents, colleagues or the wider community. The panel noted that his letter focused solely on his apology and the impact of his own actions on himself. The panel felt that Mr Lewis did not have a basic understanding of how serious his actions were." In my judgement, the lack of full insight and 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 considered that Mr Lewis' conduct could potentially damage the public's perception of a teacher." I am particularly mindful of the finding that Mr Lewis' conduct towards the pupil was sexually motivated 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 Lewis himself and the panel's comment that, "The panel was aware that his role at the Corsham School was his first role as a qualified teacher. There was no evidence to support any previously good history during his teacher training. The panel saw evidence that showed Mr Lewis was previously sent a expectations letter, was subject to a written warning and disciplinary proceedings in respect of his conduct towards Student A." I have therefore given this element less weight in my considerations.

A prohibition order would prevent Mr Lewis 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 the lack of full insight or remorse. I have also placed considerable weight on the seriousness of the panel's findings, including sexually motivated conduct towards a pupil, dishonesty and a lack of integrity.

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

In doing so the panel were mindful of the Advice which indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons, any sexual misconduct involving a child, any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents, and child cruelty and/or neglect.

I have considered the panel's comments "The panel was seriously concerned about Mr Lewis' failure to demonstrate any insight or remorse from his conduct. Mr Lewis offered an apology and focussed on how his conduct had impacted and/or affected him. There was no insight into the impact his actions had had on others, particularly Student A. The

panel also noted the lack of engagement to address each allegation in turn, despite being given opportunities to do so by the TRA's legal representatives. The panel was of the view that if Mr Lewis was allowed to teach again, there would be a real risk of repetition.”

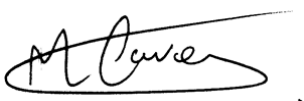
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings of sexually motivated conduct, the lack of full insight or remorse, and the dishonesty and lack of integrity demonstrated.

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 Tyler Lewis 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 allegation found proved against him, I have decided that Mr Lewis 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 Tyler Lewis 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 'M. Cavey', enclosed in a thin black rectangular border.

Decision maker: Marc Cavey

Date: 15 September 2023

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