



Teaching  
Regulation  
Agency

# **Mr Guy Remon: Professional conduct panel outcome**

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

**October 2023**

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

**Teacher:** Mr Guy Remon

**TRA reference:** 19202

**Date of determination:** 5 October 2023

**Former employer:** Bramcote College, Nottingham

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 2 to 5 October 2023 to consider the case of Mr Guy Remon.

The panel members were Mr Ian McKim (lay panellist – in the chair), Ms Bernie Whittle (teacher panellist) and Mr Andrew Harries (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin, instructed by Kingsley Napley LLP solicitors.

Mr Remon was present and was represented by Ms Gurpreet Rheel of Counsel, instructed by Thompsons solicitors.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in a notice of hearing dated 29 June 2023.

It was alleged that Mr Remon was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst a teacher at Bramcote College, White Hills Park Trust, he:

1. Engaged in an inappropriate relationship and/or communicated inappropriately with Pupil A between September 2017 and November 2017 including:
  - a) Writing one or more letters to Pupil A:
    - i) Stating she was "lovely" and/or "beautiful" and/or "attractive" and/or "pretty";
    - ii) Which included sexualized language;
  - b) Sending excessive emails to Pupil A outside of normal school hours;
  - c) Referencing the use of pornography to Pupil A using the code 'try the internet';
2. Engaged in an inappropriate relationship and/or communicated inappropriately with Pupil B between September 2017 and November 2017 including:
  - a) On 28 November 2017 he gave Pupil B a handwritten note from him:
    - i) Referring to her being at risk of self-harm or suicide;
    - ii) Complimenting Pupil B on her appearance in that he said "honestly you do look today and your hair does look really nice. Please have some body confidence as you are very pretty";
3. Engaged in an inappropriate relationship and/or communicated inappropriately with Pupil C between summer 2017 and November 2017 including:
  - a) Writing an excessive number of emails to Pupil C during the 2017 summer holidays, including on one day when there were approximately 35 emails;

- b) Continuing to email Pupil C in or around November 2017, when he had been told on 4 September 2017 to gradually end email contact over the next week;
  - c) Continuing to email Pupil C after 4 September 2017 without blind copying the School's Operations Director and/or Assistant Head, when he had been told to do so;
4. Met with Pupil A and/or Pupil B and/or Pupil C at one or more lunchtimes during which he:
- a) Told the pupils that masturbation was something that helped him;
  - b) Disclosed personal information relating to his own [REDACTED];
5. His conduct set out above in allegations 1-4 was sexually motivated.

Mr Remon admitted the facts of allegations 1(a)(i), 1(b), 2, 3(a) to (c) and 4(b). He denied allegations 1(a)(ii), 1(c), 4(a) and 5.

In relation to the allegations he admitted, Mr Remon accepted that his actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Preliminary applications**

The panel considered three, distinct preliminary applications pursuant to the 'Teacher misconduct: Disciplinary procedures for the teaching profession' ("the Procedures"), which were addressed in turn.

In relation to each application, the panel carefully considered the parties' submissions. It accepted the legal advice provided.

### **Application to strike-out allegation 1(a)(ii)**

On behalf of Mr Remon, an application was made to strike-out allegation 1(a)(ii).

In summary, it was submitted that there was no clear definition of what '*sexualized language*' meant, which had the effect that Mr Remon was unable to fairly respond to the allegation.

This phrase was described as being vague, ambiguous and one that had no meaning in law.

It was also submitted that it was unnecessary to plead this allegation in circumstances where Mr Remon was subject to an overarching allegation that his conduct was sexually motivated.

The application was opposed.

On behalf of the TRA, it was accepted that the allegation could have been differently worded. A suggested, preferable alternative was *'language of a sexual nature'*.

Nonetheless, it was submitted the pleaded wording was sufficiently clear and Mr Remon had, in fact, responded to it. In summary, it was submitted that it was unnecessary to change the wording of the allegation in all the circumstances.

Having carefully considered the parties' submissions, the panel decided to dismiss the application.

It was not persuaded that the allegation was vague to an extent that would cause Mr Remon any unfairness. Mr Remon had responded to the allegation. There was no suggestion that he did not understand what was being alleged against him.

The panel also did not consider that the alternative suggestion of *'language of a sexual nature'* materially altered the substance of what was alleged. That phrase also had no distinct meaning as a matter of law.

In any event, the panel did not consider that any prejudice resulted from the fact that the term *'sexualised language'* had no distinct legal meaning. It was satisfied that it would be in a position, at the conclusion of the evidence, to make a determination as to whether certain language was or was not sexualised. That would be a matter of ordinary language and interpretation, taking an objective approach distinct from Mr Remon's intention.

Whatever independent conclusion the panel reached pursuant to that assessment would not pre-determine its subsequent assessment of allegation 5, which would require an assessment of Mr Remon's motivation.

For these reasons, the application was refused.

### **Application to admit late documents**

The panel considered an application made on behalf of Mr Remon, pursuant to paragraph 5.33 of the Procedures, to admit:

- Mr Remon's statement in response to the allegations;
- A statement from Mr Remon's [REDACTED];

- A 17-page bundle of supporting documents including testimonials.

The TRA did not object to the allegation.

The panel therefore agreed to admit the documents. There was no dispute that they were relevant to the issues the panel would need to consider. It was also appropriate to admit them in the interests of a fair hearing.

The documents were accordingly added to the case papers.

## **Application to hear part of Mr Remon's evidence in private**

The panel received an application pursuant to paragraph 5.85 of the Procedures for part of the hearing to be heard in private. Specifically, it was confirmed that Mr Remon intended to address private, medical matters.

The application was not opposed by the TRA.

The panel agreed that it would be appropriate to exclude the public from all parts of the hearing in which the parties addressed health and medical matters. That would not be contrary to the public interest.

## **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 6 to 8

Section 2: Notice of hearing, response and statement of agreed facts – pages 9 to 20

Section 3: Teaching Regulation Agency witness statements – pages 21 to 166

Section 4: Teaching Regulation Agency documents – pages 167 to 428

In addition, the panel agreed to accept Mr Remon's response to the allegations and supporting evidence, as noted in its preliminary decision.

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:

- Witness A, [REDACTED]
- Witness B, [REDACTED]

Mr Remon attended the hearing and gave oral evidence. Witness C, who is Mr Remon's [REDACTED], was also called to give evidence on his behalf in mitigation.

## Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

### Introduction

Mr Remon was previously employed as a science teacher at Bramcote College, Nottingham ("the College").

Mr Remon worked at the College from 1 September 2015 until his resignation which took effect from 31 December 2019.

The chronology of events leading to Mr Remon's referral to the TRA is as follows:

- On 1 September 2017, Mr Remon was the subject of referrals to the Local Authority Designated Officer ("LADO") and a Multi-Agency Safeguarding Hub ("MASH") following concerns regarding alleged inappropriate communications with a pupil over the preceding summer holiday period. That pupil is referred to as Pupil C for the purposes of these proceedings.
- On 4 September 2017, Mr Remon had a meeting with Individual A, [REDACTED], and Individual B, [REDACTED], about these communications.
- On 29 November 2017, Mr Remon was the subject of a second referral to the LADO and MASH in relation to further concerns regarding communications involving Pupil C, once again, but also two other pupils, who are referred to as Pupil A and Pupil B.
- On 30 November 2017, Mr Remon was suspended and a disciplinary investigation commenced.
- On 4 December 2017, the College received an email from Pupil D.
- Mr Remon was interviewed on 14 December 2017 and 15 January 2018.
- On 16 January 2018, Mr Remon returned to work at the College.



- On 20 January 2018, a formal disciplinary hearing took place. Mr Remon was allowed to remain working at the College subject to certain conditions.
- In September 2019, Mr Remon served notice on the College ahead of a planned move to New Zealand.
- On 9 December 2019, Pupil A contacted the College to express concerns regarding the investigation and the extent of the communications received from Mr Remon, in the form of handwritten letters, stating that not all had previously been disclosed. Copies of additional letters were provided.
- On 10 December 2019, the LADO was contacted and provided with the additional letters. Whilst the police were also notified, no further action was taken.
- The allegations were considered at a meeting on 24 December 2019.
- On 31 December 2019, Mr Remon ceased employment at the College.

On 6 March 2020, the College referred Mr Remon to the TRA.

### **Evidence considered by the panel**

The panel carefully considered all of the evidence presented. It accepted the legal advice provided.

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

- Witness A, [REDACTED]
- Witness B, [REDACTED]

The TRA also relied upon the accounts from other individuals, notably the pupils in question, obtained during the College's investigations, which were admitted as hearsay evidence.

The panel was satisfied this gave rise to no unfairness in the specific circumstances of this case.

Nonetheless, the hearsay evidence presented was considered with appropriate caution. If and where it was relied upon, this is addressed in the panel reasons, below.

Mr Remon attended the hearing and was represented by counsel. Mr Remon gave oral evidence to the panel. He admitted allegations 1(a)(i), 1(b), 2, 3(a) to (c) and 4(b) as set out in the notice of hearing. Allegations 1(a)(ii), 1(c), 4(a) and 5 were denied.

In relation to the allegations he admitted, Mr Remon accepted that his actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel confirmed it had not relied upon any findings made during the College's investigation, the LADO and MASH procedures or subsequently.

Similarly, with reference to the various opinions set out within the evidence, the panel was mindful of the need to exercise its own judgment. It was for the panel, not anyone else, to draw inferences and conclusions from proven facts in this case.

The panel proceeded to form its own, independent view of the allegations based on the evidence presented to it.

## **Findings of fact**

The findings of fact are as follows:

- 1. Engaged in an inappropriate relationship and/or communicated inappropriately with Pupil A between September 2017 and November 2017 including:**
  - a) Writing one or more letters to Pupil A:**
    - i) Stating she was "lovely" and/or "beautiful" and/or "attractive" and/or "pretty"**
    - ii) Which included sexualized language**
  - b) Sending excessive emails to Pupil A outside of normal school hours**

The panel considered allegations 1(a)(i), 1(a)(ii) and 1(b) together.

Mr Remon admitted allegations 1(a)(i) and 1(b). He accepted that between September 2017 and November 2017:

- he wrote letters to Pupil A that included the words particularised in allegation 1(a)(i); and
- sent excessive emails to Pupil A outside of normal school time.

The panel considered Mr Remon's admissions were consistent with the evidence before it.

With reference to the stem of allegation 1, Mr Remon also accepted that, by his actions, he engaged in an inappropriate relationship and communicated inappropriately with Pupil A.

Within his statement to the panel, Mr Remon addressed the onset and development of his interactions with Pupil A and her personal circumstances, as he similarly did in relation to Pupil B and Pupil C.

Whilst these were matters for the judgement for the panel, such that Mr Remon's admission was not determinative, it agreed that both elements were made out.

In relation to allegation 1(a)(i), the nature and extent of these letters, which were personal in nature and included personal language especially in terms of the words particularised, went beyond what was appropriate as regards communications between a teacher and a pupil.

The panel arrived at the same conclusion in relation to allegation 1(b). The panel noted that the emails were exchanged out of school hours and addressed matters which were unrelated to school matters. The exchanges occurred over an extended period.

Accordingly, in light of the admissions made and the evidence, the panel found allegations 1(a)(i) and 1(b) proved.

The panel went on to consider allegation 1(a)(ii), which was denied by Mr Remon.

In summary, he did not consider the language he used to be sexualised and stated that was not his intention.

In considering this allegation, the panel was reminded of the need to take an objective approach in interpreting the precise words and phrases used by Mr Remon.

It heard competing submissions from the parties as regards whether certain words should be considered to be sexualised.

The panel first considered the specific words and phrases expressly relied upon by the TRA, which appeared from the papers to be those identified by Witness A.

Having done so, its conclusions were as follows:

- The words "naughty" and "beating you up". Having regard to the precise context in which these words were used, the panel was not persuaded that this could reasonably be construed as being sexualised.
- Within a list set out by Mr Remon, the words "Pupil A has a warm bum". Mr Remon had provided a clear explanation for his use of this comment and the panel was not satisfied that this phrase, in isolation, could be reasonably construed as sexualised.
- The phrase "you say you've got no bum or tits but you have a lovely figure". The context in which this phrase was used was clear from the letter as a whole. Mr Remon was, literally, repeating a phrase used by Pupil A and responding to it. Whilst this language was undoubtedly inappropriate, the panel was not satisfied that it could be reasonably construed as sexualised.

Over and above these specific matters, the panel also noted various other phrases included within the communications sent to Pupil A by Mr Remon, which it considered for the sake of completeness. They included:

- "lovely" and "you are lovely";
- "you are unbelievably beautiful";
- "you are pretty";
- "you are gorgeous"; and
- "lovely figure".

In relation to all of the comments of this nature, the panel was satisfied that the context and meaning was readily apparent from the communications as whole. In context and in isolation, the panel was not persuaded that, in any respect, the language used by Mr Remon could be reasonably described or construed as sexualised or as being of a sexual nature.

The panel therefore found allegation 1(a)(ii) not proved.

### **c) Referencing the use of pornography to Pupil A using the code 'try the internet'**

Within one of the handwritten letters sent to Pupil A by Mr Remon, he included a comment that she should 'try the "internet"'.

This was alleged to be a form of 'code' to refer to pornography.

This was not something noted as having been raised by Pupil A when she first brought concerns about Mr Remon to the attention of the College in 2017, or in January 2018 having reflected on matters over the holiday period.

The first record of this, as a distinct concern, was within Witness A's witness statement dated 26 April 2021, which refers to a meeting she had with Pupil A on 10 December 2019. The statement records:

*"... we discussed the meaning of some of the letters, however, I did not unpick the letters in detail as this was not the purpose of the meeting. Pupil A explained that Guy would use the reference to "internet" to refer to pornography and this was mutually understood language between Guy and Pupil A. Pupil A disclosed that some of the conversations Guy had with her related to using masturbation and porn as a release for stress and anxiety and therefore as a method to avoid self-harm. Pupil A disclosed Guy explained this was an alternative way to find a 'release' which may help address issues with self-harm. I consider this letter to reference to pornography."*

However, this specific allegation was not recorded in any contemporaneous document at the time of this meeting. It was not reported as a distinct concern to the LADO.

This allegation was denied by Mr Remon.

He stated that this phrase was included in a list of ways that people can distract themselves, which would include *"using something like; Facebook, Instagram and YouTube"*.

On his account, it had no hidden meaning and it was not a suggestion that Pupil A seek out pornography online.

The panel was mindful of the fact that the burden was on the TRA to establish the facts of the allegations.

In this instance, in the absence of hearing from Pupil A, the panel was not satisfied that there was sufficient evidence to link the precise words used by Mr Remon to pornography.

In terms of the chronology of events, it was first raised by Pupil A in 2019, some two years after her initial complaint. The panel could not exclude the possibility that her recollection may have been influenced by the passage of time. Further, there was no documented record of what Pupil A said, precisely, at the time she did, finally, report it. The only record was second hand and was documented in Witness A's statement, signed in April 2021. The panel were also concerned that Witness A's recollection may have been affected by the lapse in time.

Further and in addition, the phrase 'try the internet' was extremely vague and did not obviously, in isolation, link to pornography.

For all these reasons, the panel was not satisfied, on the balance of probabilities, that Mr Remon referenced pornography using code in the manner alleged.

The panel therefore found allegation 1(c) not proved.

**2. Engaged in an inappropriate relationship and/or communicated inappropriately with Pupil B between September 2017 and November 2017 including:**

- a) On 28 November 2017 you gave Pupil B a handwritten note from you:**
- i) Referring to her being at risk of self-harm or suicide**
  - ii) Complimenting Pupil B on her appearance in that you said “honestly you do look today and your hair does look really nice. Please have some body confidence as you are very pretty”**

Mr Remon admitted allegations 2(a)(i) and 2(a)(ii). He accepted that between September 2017 and November 2017 he had communicated inappropriately and on 28 November 2017 in particular, gave Pupil B a handwritten note in which he:

- referred to her as being at risk of self-harm; and
- complimented her on her appearance, in that the note stated:

*"honestly you do look today and your hair does look really nice. Please have some body confidence as you are very pretty." (sic)*

The panel was presented with a copy of the note and was therefore able to satisfy itself that Mr Remon's admissions were consistent with the evidence.

With reference to the stem of allegation 2, Mr Remon also accepted that, by his actions, he engaged in an inappropriate relationship and communicated inappropriately with Pupil B.

Once again, the panel agreed. These communications were inherently inappropriate as between a teacher and a pupil. In relation to allegation 2(a)(i), this was very clearly an issue that raised safeguarding implications and ought to have been addressed through formal channels and not by way of an informal note to the pupil. Further, the communications were indicative of a threshold having been crossed in terms of professional boundaries and were suggestive of a personal relationship.

The panel therefore found allegation 2(a)(i) and 2(a)(ii) proved.

- 3. Engaged in an inappropriate relationship and/or communicated inappropriately with Pupil C between summer 2017 and November 2017 including:**
- a) Writing an excessive number of emails to Pupil C during the 2017 summer holidays, including on one day when there were approximately 35 emails**
  - b) Continuing to email Pupil C in or around November 2017, when you had been told on 4 September 2017 to gradually end email contact over the next week**
  - c) Continuing to email Pupil C after 4 September 2017 without blind copying the School's Operations Director and/or Assistant Head, when you had been told to do so**

Mr Remon admitted allegations 3(a) to 3(c), which the panel considered together. He accepted that between the summer of 2017 and November 2017 he:

- Sent Pupil C an excessive number of emails during the course of that summer, including approximately 35 emails on one particular day.
- Continued to email Pupil C in November 2017, despite having been told on 4 September 2017 to gradually end email contact over the following week. Mr Remon asserted this was a misunderstanding on his part.
- In doing so he did not 'blind copy' the College's operations director or assistant head, having been expressly told to do so. Mr Remon once again asserted he did not do so due to a misunderstanding but did occasionally forward email chains so that there was visibility in terms of what was being said.

The panel was presented with copies of the email correspondence between Mr Remon and Pupil C. It was also presented with evidence of the direction given to Mr Remon at the meeting on 4 September 2017. It was satisfied that Mr Remon's admissions were consistent with the evidence presented.

With reference to the stem of allegation 3, Mr Remon also accepted that, by his actions, he engaged in an inappropriate relationship and communicated inappropriately with Pupil C.

Once again, the panel agreed having regard to the nature, extent and content of the emails in question.

The panel therefore found allegations 3(a) to (c) proved.

**4. Met with Pupil A and/or Pupil B and/or Pupil C at one or more lunchtimes during which you:**

**a) Told the pupils that masturbation was something that helped you**

There was no dispute as to the fact that Mr Remon regularly interacted with Pupil A, Pupil B and Pupil C during lunchtimes in his classroom.

In his evidence to the panel, he described how this arrangement came about. These were not formal meetings that he arranged, but the panel did not consider this was an essential aspect of the allegation.

However, Mr Remon denied that ever made any comment of the type particularised in allegation 4(a) or that he ever talked about masturbation during any of these lunchtime interactions.

The source of this allegation was Pupil D. Whilst Mr Remon was told who Pupil D was, he stated it was not a name he recognised.

The panel was presented with an email from Pupil D to Witness B dated 4 December 2017.

The email records:

*"The girls are allowed to throw pens and swear at Guy when they are upset and Guy encourages coping strategies like masturbation as a way of preventing the girls (especially Pupil A) from self harming."*

This was not corroborated by any recorded account from Pupil A, Pupil B or Pupil C. It was regrettable that Pupil D was not interviewed at the time and that this allegation was not put to Pupil A, Pupil B or Pupil C for comment as part of the investigation.

Mr Remon, now, denied making any comment of this nature.

However, when specifically asked about whether he had recommended masturbation during the course of his investigation interview on 14 December 2017, Mr Remon responded by stating:

*"I did not recommend it. I said it was something that helped me."*

In his evidence in these proceedings, Mr Remon sought to resile from that admission and explained he was not in the best frame of mind at the time.

However, Mr Remon did not seek to suggest that the note of the interview was inaccurate.



Further, he was also asked about this issue during the course of a police interview on 9 January 2020 and, again, acknowledged that he had referred to masturbation.

On balance, having regard to Mr Remon's clearly documented admission, which was broadly consistent with the original complaint from Pupil D, the panel was satisfied that it was more likely than not that Mr Remon did, on one occasion, make a comment to the effect that masturbation was something that had helped him.

The panel accordingly found allegation 4(a) proved.

**b) Disclosed personal information relating to your own [REDACTED]**

Mr Remon admitted that, during one or more of these lunchtime interactions, he disclosed personal information regarding his [REDACTED].

By way of explanation for his actions, Mr Remon alluded to personal and health difficulties he was experiencing, whilst recognising that this did not justify his conduct. His witness statement records:

*"Any conversations and disclosures I made would only be done as a way to be empathetic with the students and to try to explain that they were not alone with these problems, adults suffer from them too and there are ways and means of dealing with them but every person would have to find their own way out of it."*

In light of Mr Remon's admission, the panel found allegation 4(b) proved.

**5. Your conduct set out above in allegations 1-4 was sexually motivated**

Having found the facts of allegations 1(a)(i), 1(b), 2, 3(a) to (c), 4(a) and (b) proved, the panel went on to consider whether Mr Remon's conduct was sexually motivated.

On the basis of his conduct and the context in which it occurred, the TRA submitted that the appropriate inference to draw was that Mr Remon's actions were sexually motivated in relation to each of Pupil A, Pupil B and Pupil C, either in terms of seeking sexual gratification or seeking a future sexual relationship.

The panel did not have the benefit of hearing first-hand, oral evidence from any of these pupils.

Mr Remon denied that he was in any way sexually motivated towards any pupil.

Whilst he admitted certain of the allegations, he sought to put his actions in context with reference to his interactions with each pupil, their precise circumstances and his motivations.

Mr Remon's witness statement records that:

- All of his actions were meant to be about supporting the students and encouraging them to do the very best they could.
- It was all about self-esteem and self-worth.
- The language used was not in a sexual manner and if the language used was sexual in nature it did not bring him any sexual gratification.
- The language used was in terms of description using terminology that the pupils would understand, albeit he deeply regretted the particular phrases and language and understood that they are not appropriate.
- When referring to “*tits*” and “*bum*”, this was simply a description of body parts, repeating language she had used herself. It was not aimed at bringing gratification. He knew that Pupil A was self-conscious about her body and that she was going to the gym. Using these descriptions was “*a, rather stupid and naïve, way to try and boost her confidence*”.

The panel also took account of the fact that Mr Remon was a person of prior good character. Clear evidence was provided in that regard, which was unchallenged.

His prior good character, particularly when considered in conjunction with the starting point that education professionals are not in the habit of behaving in a sexually motivated way towards pupils, meant that the panel had firmly in mind the need to undertake a particularly careful and vigorous scrutiny of the evidence before it.

Against this backdrop and having regard to the parties' submissions and the legal advice provided to it, the panel proceeded to carefully consider whether Mr Remon's actions were sexually motivated.

The panel's findings were that Mr Remon has exchanged multiple communications with each of these pupils, outside of the formal dynamics of a teacher/pupil relationship and without the knowledge of the College.

Some of the content was highly inappropriate and the panel had regard to the nature and volume of the communications. The panel paid particular attention to the precise words and phrases, including those referred to in its findings in relation to allegation 1.

In relation to Pupil C, the panel noted that communications continued despite Mr Remon having been expressly told to desist gradually and to copy in members of the College's Senior Leadership Team (SLT).

However, there was no sexual element to any of the communications.

Whilst inappropriate, all of the communications all occurred, in broad terms, within the confines of the school environment.

Mr Remon only used his school email account.

There was no suggestion that Mr Remon ever sought to meet up with the pupils outside of the College and there was nothing suggestive within any of the communications. Whilst Mr Remon shared some personal information, he never shared personal contact details and there was no communication, for example, on social media.

For these reasons, on balance, the panel was not persuaded that the TRA had proved, to the requisite standard, that Mr Remon's conduct was for the purposes of seeking sexual gratification or that he was seeking a future sexual relationship with any of the pupils. The panel was not satisfied that this was the appropriate inference to draw in all the circumstances of this case.

Rather, Mr Remon's assertion that he was doing no more than trying to be supportive to these pupils was supported by the tone and content of the communications.

There was no evidence of any overtly sexual comment, suggestion or innuendo and there was no noticeable change or escalation in terms of how Mr Remon approached his interactions with any of these pupils.

On balance and having carefully weighed all of the evidence, whilst Mr Remon had undoubtedly breached professional boundaries, which he fully accepted, the panel was, therefore, not persuaded that Mr Remon's conduct was sexually motivated.

It therefore found allegation 5 not proved.

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

Having found allegations 1(a)(i), 1(b), 2, 3(a) to (c), 4(a) and 4(b) 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.

Both elements were admitted by Mr Remon in relation to those allegations that he admitted. Whilst the panel took that into account, it made its own, independent determination.

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 Remon, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Remon was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Remon's conduct displayed behaviours associated with any of the offences listed in the Advice.

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.

However, the panel found that none of these offences was relevant.

Over and above the breaches of the Teachers' Standards identified above, in relation to all of the proven allegations the panel took into account the wider context.

Mr Remon's failings concerned more than one pupil and occurred over a prolonged period of time. In relation to Pupil C, Mr Remon continued communications despite having been told to gradually end contact by the College.

To some extent, Mr Remon took it upon himself to have an informal role in relation to the pupils' wellbeing. In doing so, he allowed professional boundaries to be breached.

Mr Remon was in a position of trust and responsibility as a teacher. He was also a role model. He had a duty to maintain appropriate professional boundaries with all pupils and at all times. Mr Remon had clearly breached his obligations in that regard.

In relation to allegation 4, whilst in isolation the specific issues found proved may not have crossed the threshold, in context the panel concluded they did. Mr Remon made the comment regarding masturbation and disclosed personal information within a dynamic in which professional boundaries were not being maintained.

Further, whilst the panel was satisfied that Mr Remon's actions were not improperly motivated, they presented a risk of feelings of dependency on the part of the pupils, who may have perceived Mr Remon to be a friend rather than just a teacher.

For all these reasons, in relation to each of the proven allegations, considered individually and together, the panel was satisfied that the conduct of Mr Remon amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

In relation to whether Mr Remon's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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.

For the reasons set out above, 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 Remon's actions constituted conduct that may bring the profession into disrepute.

In summary, having found the facts of allegations 1(a)(i), 1(b), 2, 3(a) to (c), 4(a) and 4(b) proved, the panel further found that Mr Remon'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. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

- the safeguarding and wellbeing of pupils;
- the maintenance of public confidence in the profession; and

- declaring and upholding proper standards of conduct.

In the light of the panel's findings, which involved a breach of professional boundaries concerning three pupils over a prolonged time period, there was a strong public interest in the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Remon were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Remon was outside that which could reasonably be tolerated.

The panel also determined that there was some element of public interest with reference to Mr Remon remaining in the profession. No doubt had been cast upon his abilities as a science teacher even if there was no evidence of an exceptional contribution to teaching. Whilst the misconduct took place over a prolonged period and was serious, this was an isolated episode in the context of his career as a whole. The panel was also presented with some, if relatively limited positive evidence regarding his practice at the College. He had made some contributions to extra-curricular activities and school initiatives. Mr Remon had evidenced a passion for teaching and recognised the need to implement a gradual return to teaching. Potentially, the panel considered that Mr Remon could make a positive, valuable contribution to the profession.

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 Mr Remon.

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 Remon.

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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to

children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;

- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE) a deep-seated attitude that leads to harmful behaviour.

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.

The panel considered the following mitigating factors were present in this case:

- Mr Remon had not been subject to any previous regulatory proceedings.
- In his written and oral evidence, Mr Remon made reference to very challenging personal circumstances prior to and at the time of the allegations, which the panel duly took account of.
- Mr Remon also alluded to various health and behavioural issues, both at the time of these events and subsequently. The panel saw limited medical evidence as to certain [REDACTED] conditions and the treatment prescribed for them. The panel also heard evidence as to significant personal stresses affecting Mr Remon. However, the panel was not presented with any independent medical evidence to the extent that any diagnosed condition or conditions had a causative impact on his proven actions. To that extent, Mr Remon was not acting under duress and he remained responsible for his actions at all times.
- This was an isolated episode in the context of Mr Remon's career as a whole, spanning a period of approximately four months.
- Further, following the allegations first coming to light, he was permitted to continue to work at the College prior to his departure to New Zealand. He did so without incident albeit whilst working under conditions for at least some of this period. The evidence indicated that Mr Remon met those conditions to the satisfaction of the College.
- Mr Remon had provided some references and testimonials. Whilst limited in number, they depicted him in a positive manner.
- Mr Remon fully participated in these proceedings and made extensive admissions. He was also realistic in accepting that, in relation to those allegations he admitted, his actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

- Mr Remon had apologised for his actions and shown regret and remorse. He recognised and accepted that he had fallen short of the standards expected of him.
- Mr Remon had also shown insight. He had reflected on events, set out things he would have done differently and what he would take account of in his future practice. Mr Remon understood the nature and impact of his actions, both in terms of the pupils concerned, their families, the College, his own reputation and public confidence in the profession. He accepted responsibility for his own failings and fully understood how his actions had an impact on the pupils.
- The panel had concluded that Mr Remon was not improperly motivated. To the contrary, whilst his actions remained inappropriate, the panel was satisfied that he was, ultimately, concerned with the pupils' wellbeing. He fully accepted that he went about things in a way that was completely wrong.
- Mr Remon showed a passion for teaching and education and had a realistic view in terms of returning to the classroom.
- Mr Remon had taken steps to understand the triggers and traits that caused certain reactions and behaviours. He had good supporting structures in place.
- Mr Remon was first suspended in 2017. The investigation was renewed in 2020 and it has taken several years to reach this point. The resumption of the investigation had the effect that Mr Remon had to leave his teaching position in New Zealand. It follows that these proceedings had already had a significant impact, and the threat of a prohibition order had been hanging over Mr Remon for a considerable period of time.

Weighed against these matters, the panel considered there were some aggravating factors present, including:

- Mr Remon's actions had the potential to cause harm in relation to the pupils in question, for example in terms of feelings of dependency. Inevitably, there was some impact as a result of the pupils being subject to the investigation and safeguarding processes, albeit there was no clear evidence of significant or enduring harm.
- Mr Remon's conduct amounted to a breach of the Teachers' Standards.
- Mr Remon was in a position of trust and responsibility as well as a role model. The panel considered he ought to have known what was expected of him and conducted himself accordingly.



- This was a protracted instance of misconduct, involving several pupils. On some occasions, there was an intensity to the communications that was inappropriate.
- Some of the language used by Mr Remon, repeatedly, was highly personal and over-familiar. It was certainly inappropriate as between a teacher and a pupil.
- In relation to Pupil C, the communications continued despite Mr Remon being put on notice that they were to gradually end.
- To some extent, Mr Remon took it upon himself to have an informal role in relation to the pupils' wellbeing. In doing so, he allowed professional boundaries to be breached.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response.

The nature of the proven conduct in this case was serious for the reasons outlined.

This was an instance of professional boundaries being breached over a prolonged period and involving three pupils. This meant there was a strong public interest in terms of protecting pupils, maintaining public confidence in the profession and declaring and upholding proper standards of conduct.

For the reasons outlined, particularly in terms of some of the language Mr Remon used in his communications, his actions were highly inappropriate.

However, having considered the mitigating factors present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case for the following reasons in particular.

Firstly, this was an isolated episode in the context of Mr Remon's career as a whole. The particular time period was clearly one that presented difficulties for Mr Remon in terms of his personal circumstances, [REDACTED].

Secondly, Mr Remon's actions were, whilst highly inappropriate, misconceived and not malicious. This was not a pre-determined course of conduct but rather a gradual eroding of boundaries that reached the point where Mr Remon's role became blurred and had personal elements.

Finally, the panel carefully considered whether there was a risk of repetition and concluded that risk was limited. Mr Remon had shown insight, regret and remorse. He understood that what he had done was wrong and took responsibility for his actions.

Having gone through this experience and with the levels of support Mr Remon can expect to receive in the future at any school he may work at, the panel considered it was unlikely that Mr Remon would put himself in the same situation again. He had left his position at the College and lost the subsequent position he obtained in New Zealand. These proceedings and the preceding investigation had been ongoing for several years. The panel was satisfied, on balance, it was more likely than not that Mr Remon will have learnt important lessons and his mistakes were unlikely to be repeated.

In light of all these matters and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate or proportionate in this case.

Having very carefully taken account of the public interest considerations Mr Remon's proven conduct gave rise to, the panel considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message as to the standards of behaviour that were acceptable. When considered in conjunction with the insight shown by Mr Remon, the panel did not think that his proven actions were fundamentally incompatible with his being a teacher.

The panel considered this was a proportionate outcome, which struck a fair balance between the public interest and Mr Remon's interests, particularly in circumstances where the panel's published findings will likely have a residual impact in terms of his professional reputation and future employment prospects.

Further, the panel considered that the passage of time, since these concerns first came to light, and the repercussions there had been for Mr Remon in terms of his chosen career meant that, in its view, a prohibition order would be punitive and disproportionate.

In the panel's judgement, this recommendation protects pupils, maintains public confidence and upholds professional standards in circumstances where it was satisfied there was a limited risk of repetition.

## 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 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.

However, the panel has also found some of the allegations not proven. I have, therefore, put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, or a relevant conviction should be published and that such an action is proportionate and in the public interest.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “Mr Remon's actions had the potential to cause harm in relation to the pupils in question, for example in terms of feelings of dependency. Inevitably, there was some impact as a result of the pupils being subject to the investigation and safeguarding processes, albeit there was no clear evidence of significant or enduring harm.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, “Mr Remon had apologised for his actions and shown regret and remorse. He recognised and accepted that he had fallen short of the standards expected of him.” The panel went on to state that, “Mr Remon had also shown insight. He had reflected on events, set out things he would have done differently and what he would take account of in his future practice. Mr Remon understood the nature and impact of his actions, both in terms of the pupils concerned, their families, the College, his own reputation and public confidence in the profession. He accepted responsibility for his own failings and fully understood how his actions had an impact on the pupils.” In my judgment, the degree of remorse and insight demonstrated by Mr Remon means that there is a likely to be a minimal risk of these behaviours being repeated in the future. 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, “For the reasons set out above, 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.”

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 Remon himself. The panel stated that, “This was an isolated episode in the context of Mr Remon's career as a whole, spanning a period of approximately four months.” The panel also noted that, “Mr

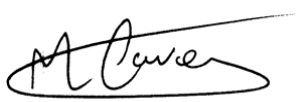
Remon had provided some references and testimonials. Whilst limited in number, they depicted him in a positive manner” and also that “Mr Remon showed a passion for teaching and education and had a realistic view in terms of returning to the classroom.”

A prohibition order would prevent Mr Remon 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 insight and remorse demonstrated by Mr Remon and the likelihood of a reoccurrence of the misconduct that it found. The panel has said, “Having gone through this experience and with the levels of support Mr Remon can expect to receive in the future at any school he may work at, the panel considered it was unlikely that Mr Remon would put himself in the same situation again. He had left his position at the College and lost the subsequent position he obtained in New Zealand. These proceedings and the preceding investigation had been ongoing for several years. The panel was satisfied, on balance, it was more likely than not that Mr Remon will have learnt important lessons and his mistakes were unlikely to be repeated.”

I have also noted the panel’s comments regarding the motivations for the behaviours that Mr Remon demonstrated, including “...Mr Remon's actions were, whilst highly inappropriate, misconceived and not malicious. This was not a pre-determined course of conduct but rather a gradual eroding of boundaries that reached the point where Mr Remon's role become blurred and had personal elements.”

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.



**Decision maker: Marc Cavey**

**Date: 12 October 2023**

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