



Teaching
Regulation
Agency

Mr Scott Evans: Professional conduct panel meeting outcome

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

October 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher:	Mr Scott Evans
Teacher ref number:	1158008
Teacher date of birth:	13 February 1988
TRA reference:	0019316
Date of determination:	2 October 2023
Former employer:	King Arthur's School, South Somerset

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 2 October 2023 to consider the case of Mr Evans.

The panel members were Mr Martyn Stephens (Chair – lay panellist), Ms Miranda Norris (teacher panellist) and Ms Helen Kielty (lay panellist).

The legal adviser to the panel was Mr Harry Taylor of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Evans that the allegation be considered without a hearing. Mr Evans provided a signed statement of agreed facts and admitted to a conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer (Ms Holly Quirk of Browne Jacobson LLP), Mr Evans or his representative, Mr John Evans.

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 28 July 2023.

It was alleged that Mr Evans was guilty of having been convicted of a relevant offence, in that:

On 9 March 2021 at Taunton Crown Court Mr Evans was convicted of the following offences:

1. Making indecent photograph or pseudo-photograph of children on 01/02/19 – 31/08/19 (Mr Evans subsequently requested in writing that the dates of the allegation be amended to 01/07/19 – 31/08/19, which the panel accepted);
2. Engage in sexual communication with a child on 01/07/19 - 31/08/19;
3. Engage in sexual communication with a child on 17/07/19 - 28/08/19;
4. Cause/incite female child under 16 to engage in sexual activity – offender 18 or over – no penetration 01/07/19 - 31/08/19;
5. Cause/incite female child under 16 to engage in sexual activity – offender 18 or over – no penetration on 17/07/19 - 31/08/19.

Mr Evans admitted the facts and allegations. The panel noted Mr Evans had requested the amendment prior to the notice of meeting being sent to him. The panel has seen no evidence of objection to the amendment by the TRA and the panel therefore understood this to be nothing more than a clerical error. Likewise, the panel noted that whilst the allegation in the notice of meeting referred to a “conviction on 12 April 2020” it was evident from the documents presented to the panel, including the certificate of conviction, that this was a typo. The correct dates were that on 9 March 2021 Mr Evans was convicted and on 12 April 2021 Mr Evans was sentenced. As such, the panel saw no prejudice to either party in making this amendment to the allegation.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology – page 4

Section 2: Notice of referral and response – pages 6 to 13

Section 3: Statement of agreed facts and presenting officer representations – pages 15 to 25

Section 4: Teaching Regulation Agency documents – pages 27 to 111

Section 5: Teacher documents – page 113

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Evans on 16 March 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Evans for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

In September 2012 Mr Evans commenced employment at King Arthur's School (the "School") as a Teacher of Geography. In 2014 Mr Evans was appointed as the Curriculum Team Leader for Humanities alongside his role as a Teacher of Geography.

In October 2019 the Police informed the School that Mr Evans had been arrested for inappropriate conduct towards pupils. Mr Evans was suspended from the School's employment. At around the same time the LADO was notified. Mr Evans was dismissed from the School following a disciplinary hearing held on 2 March 2020. In March 2021 Mr Evans was convicted at Taunton Crown Court. On 12 April 2021 he was sentenced.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation against Mr Evans proved, for these reasons:

On 9 March 2021 at Taunton Crown Court Mr Evans was convicted of the following offences:

- 1. Making indecent photograph or pseudo-photograph of children on 01/07/19 – 31/08/19;**
- 2. Engage in sexual communication with a child on 01/07/19 - 31/08/19;**
- 3. Engage in sexual communication with a child on 17/07/19 - 28/08/19;**
- 4. Cause/incite female child under 16 to engage in sexual activity – offender 18 or over – no penetration 01/07/19 - 31/08/19;**
- 5. Cause/incite female child under 16 to engage in sexual activity – offender 18 or over – no penetration on 17/07/19 - 31/08/19.**

The allegations were admitted and were supported by evidence presented to the panel within the bundle, the allegations were, therefore, found proved. In particular, the panel had regard to the certificate of conviction within the bundle, which provided conclusive evidence of both the conviction and the facts necessarily implied by the conviction.

In the statement of agreed facts, Mr Evans accepted that between April and May 2019, he began messaging Pupil A privately via social media using an account name [REDACTED]. He further admitted that in or around May 2019, he also began messaging Pupil B privately via social media using a different account name [REDACTED].

[REDACTED]

[REDACTED]

Mr Evans accepted that he sent indecent images of himself to Pupil A and Pupil B via social media and that he encouraged both pupils to send him indecent images and that he received indecent images of Pupil A and Pupil B. Mr Evans also accepted that he engaged in sexual communication with Pupil A and Pupil B via social media, including that he encouraged the pupils to delete the messages exchanged. Mr Evans also admitted that he caused Pupil A and Pupil B to engage in sexual activity by encouraging and inciting them to masturbate whilst he communicated with them via social media.

On 12 April 2021, Mr Evans was sentenced to a total of 2 years and 4 months' imprisonment, a sexual harm prevention order for a period of 10 years, that he may be [REDACTED] and that he appear on the sex offenders' register for 10 years.

Findings as to conviction of a relevant offence

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to a conviction of a relevant offence.

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 Evans, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Evans 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 noted that the individual's actions were relevant to teaching, working with children and working in an education setting. Mr Evans engaged in communications of a sexual nature with pupils in his school. He used his position as a means to engage with the pupils.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Evans' behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Evans was allowed to continue teaching.

The panel noted that Mr Evans' behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence".

This was a case concerning an offence involving sexual activity, sexual communication with a child, and activity involving viewing, taking, making and possessing any indecent photograph or image or indecent pseudo photograph or image of a child.

The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

In the panel's view, the gravity of the offences was sufficiently serious to warrant a custodial sentence of a not insignificant duration. Additionally, the panel noted that the

two pupils in question were deemed vulnerable persons. Mr Evans was aware of this before he engaged, or at least when he was engaged, in communications of a sexual nature with them for his own sexual gratification. He had taught both pupils since they were 11 years old, and the Police report indicates that he had appeared to pick the two pupils because of their individual vulnerabilities. This, in particular, was attributed significant weight by the panel in reaching its findings.

Whilst Mr Evans acknowledges his wrongdoing, which perhaps indicates that he demonstrates some insight into his wrongdoing, the panel can see no persuasive evidence that he is remorseful for his actions. The panel also note that Mr Evans pleaded guilty to the charges against him.

Although the panel found that the evidence of Mr Evans teaching proficiency was of note, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Evans fitness to be a teacher. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 Evans 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 and protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct within the teaching profession;
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Evans, which involved a finding that he had received convictions for relevant offences, there was a strong public interest

consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with children.

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

Whilst there is indication that Mr Evans had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Evans in the profession, since his behaviour fundamentally breached the standard 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;

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;

- 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 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;

In addition, the panel has particular concerns because of the evidence that Mr Evans selected vulnerable pupils. He knew what he was doing was wrong but proceeded for his own sexual gratification.

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 no evidence that Mr Evans' actions were not deliberate.

There was no evidence to suggest that Mr Evans was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Evans' actions to be calculated and motivated.

There was no persuasive evidence to indicate that Mr Evans was remorseful for his actions, although the panel does note that he acknowledges his actions were wrong, which demonstrated some level of insight.

Proportionality

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 Evans 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 Evans. The above reasons, but in particular the abuse of position and awareness of his actions at the time, 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 any sexual misconduct involving a child and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

In the panel's view, there was no evidence of remorse and insufficient evidence of insight to indicate Mr Evans would not pose a threat in the future such as to persuade it to recommend a review of the prohibition order.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Scott Evans should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Evans 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 findings of misconduct are particularly serious as they include offences involving sexual activity, sexual communication with a child, and activity involving viewing, taking, making and possessing any indecent photograph or image or indecent pseudo photograph or image of a child resulting in a custodial sentence. The victims of Mr Evans' actions were both highly vulnerable children and he was aware of their vulnerability.

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 a relevant conviction, 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 Evans, 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 recorded, "The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting. Mr Evans engaged in communications of a sexual nature with pupils in his school. He used his position as a means to engage with the pupils." 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 it sets out as follows, "There was no persuasive evidence to indicate that Mr Evans was remorseful for his actions, although the panel does note that he acknowledges his actions were wrong, which demonstrated some level of insight." 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 record that, "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Evans' behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Evans was allowed to continue teaching." I am particularly mindful of the findings of sexual activity with children in this case and the impact that such findings may have 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 Evans himself. The panel observed that, "Whilst there is indication that Mr Evans had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Evans in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust."

A prohibition order would prevent Mr Evans 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 given considerable weight to the very significant breach of trust witnessed in Mr Evans actions and the way he exploited his position as a teacher in order to commit his offences.

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

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

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

In doing so, the panel was 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 any sexual misconduct involving a child and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

I have noted the panel's comments, "In the panel's view, there was no evidence of remorse and insufficient evidence of insight to indicate Mr Evans would not pose a threat in the future such as to persuade it to recommend a review of the prohibition order."

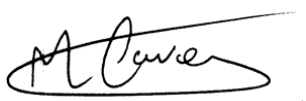
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious findings of sexual misconduct involving vulnerable children, the lack of full insight or remorse, and the significant breach of trust inherent in Mr Evans' offences.

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 Scott Evans is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Evans 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 Evans has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Marc Cavey

Date: 6 October 2023

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