



Teaching
Regulation
Agency

Mr Gordon Waterson: Professional conduct panel meeting outcome

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

November 2023

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

Teacher:	Mr Gordon Waterson
Teacher ref number:	3665627
Teacher date of birth:	2 January 1989
TRA reference:	19396
Date of determination:	6 November 2023
Former employer:	Ludgrove School, Wokingham

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 6 November 2023 by way of a virtual meeting, to consider the case of Mr Gordon Waterson.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Ms Jane Gotschel (teacher panellist) and Mr Tom Snowdon (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts 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 Waterson that the allegations be considered without a hearing. Mr Waterson provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Sherelle Appleby of Browne Jacobson LLP, Mr Waterson, or any representative for Mr Waterson.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 2 November 2023.

It was alleged that Mr Waterson was guilty, having been convicted at any time, of the following relevant offences:

1. In March 2022, he was convicted at Reading Crown Court for:
 - a. 3 offences of Making Indecent Photograph or Pseudo-Photograph of Children Contrary to Section 1(1)(a) & 6 of The Protection of Children Act 1978; and
 - b. 3 offence of Distributing indent Photograph of Pseudo-Photograph of a Child contrary to Section 1(1)(b) & 6 of The Protection of Children Act 1978.

Mr Waterson admitted the facts of allegations 1(a) and 1(b), and that his behaviour amounted to the conviction of a relevant offence, as set out in the response to the notice of hearing dated 1 March 2023 and in the statement of agreed facts, signed by Mr Waterson on 29 September 2023.

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: Notice of meeting – provided separately
- Section 2: Statement of agreed facts and teacher's response to the notice of referral form – pages 3 to 12
- Section 3: TRA documents – pages 14 to 38
- Section 4: Teacher documents – pages 40 to 41

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 Mr Waterson signed on 29 September 2023, and was subsequently signed by the presenting officer on 29 September 2023.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

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

Mr Waterson was employed as a teacher at Ludgrove School ('the School').

On 8 March 2022, Mr Waterson was convicted at Reading Crown Court for making indecent photo/pseudo-photograph of children and distributing indecent/pseudo photographs of children.

On 22 April 2022, Mr Waterson was sentenced at Reading Crown Court to a suspended sentence of 2 years, 180 hours of unpaid work, to pay £520 costs, a requirement to register with the police for a period of 10 years, and a sexual harm prevention order for 10 years.

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:

You were convicted at any time, of the relevant offences:

- 1. On 8 March 2022, you were convicted at Reading Crown Court for:**
 - a. 3 offences of Making Indecent Photograph or Pseudo-Photograph of Children Contrary to Section 1(1)(a) & 6 of The Protection of Children Act 1978; and**
 - b. 3 offence of Distributing indecent Photograph or Pseudo-Photograph of a Child contrary to Section 1(1)(b) & 6 of The Protection of Children Act 1978.**

The panel considered the statement of agreed facts, signed by Mr Waterson on 29 September 2023. In that statement of agreed facts, Mr Waterson admitted the particulars of allegations 1(a) and 1(b) and that the fact of the allegations amounted to a conviction of a relevant offence.

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice'), which states that where there has been a conviction, at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Reading Crown Court, which detailed that on 8 March 2022, Mr Waterson was convicted of 3 counts of making an indecent photograph/ pseudo photograph of a child, contrary to sections 1(1)(a) & 6 of the protection of children act 1978, and 3 counts of distributing an indecent photograph/ pseudo photograph of a child.

The panel specifically noted that Mr Waterson pleaded guilty to all 6 offences, and he was charged with 3 counts of distributing and 3 counts of making indecent images, one of each of CAT A, CAT B and CAT C.

Following his conviction, Mr Waterson was sentenced on 22 April 2022 to 2 years imprisonment (suspended for 2 years); a 10 year sexual harm prevention order; a requirement to register with the police for a period of 10 years; an order to pay £420 prosecution costs and a £100 surcharge. He was also subject to an order for the forfeiture of iPhones.

On examination of the documents before the panel, the panel was satisfied that the facts of allegations 1(a) and 1(b) were proven.

Findings as conviction of a relevant offence

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

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Waterson, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Waterson 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

The panel noted that Mr Waterson's actions did not appear to involve a pupil or a colleague at the School. However, the panel considered that his actions were relevant to teaching, working with children and/or working in an education setting, in particular because he had accessed and distributed indecent images of children between the ages of 2 and 12. He had taught and might continue to teach children of the same or similar age in the future.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Waterson's behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children.

The panel noted that Mr Waterson's behaviour ultimately led to a sentence of imprisonment (albeit that it was suspended), which was indicative of the seriousness of the offences committed. The child protection and public protection issues engaged by Mr Waterson's actions were demonstrated by the Court's sentence.

This was a case involving an offence of 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/revenge pornography, which the Advice states are more likely to be considered a relevant offence.

The panel took into account the sentencing remarks submitted as part of the bundle, where it was stated that Mr Waterson's [REDACTED] had supported [REDACTED].

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Waterson's ongoing suitability to teach. 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 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 a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest if they are in conflict.

In light of the nature of the offences for which Mr Waterson was convicted, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns.

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

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

Notwithstanding 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 Waterson. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of and against prohibition as well as the interests of Mr Waterson. 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 proven. In the list of such behaviours, those that are relevant in this case are:

- 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 disclosures;
- 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 pseudo-photograph or image of a child, or permitting such activity, including one-off incidents;
- a deep-seated attitude that leads to harmful behaviour.

Even though some of the behaviour found in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Waterson's actions were not deliberate.

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

There was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Mr Waterson contributed significantly to the education sector.

The Panel found that Mr Waterson showed some limited insight into his actions, as he had been proactive in trying to engage in rehabilitation and recognised that his behaviour was unacceptable. The panel noted that he had gone above and beyond what was required of him, as he sought appropriate professional support to address his offending behaviour. Notwithstanding this, the panel did note that, as Mr Waterson was facing a custodial sentence, it was in his interest to obtain additional professional support and complete online courses [REDACTED].

The panel considered Mr Waterson's statement, which he provided to the TRA, where he outlined that his arrest had provided a positive opportunity for him to address and change his behaviour, and he stated that he had no intention of returning to the teaching profession.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Waterson 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 Waterson. The seriousness of the offences for which Mr Waterson was convicted was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Waterson had been convicted of 3 counts of making indecent photographs or pseudo-photographs of children and 3 counts of distributing indecent photographs or pseudo-photographs of a child.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel did not find any of these behaviours to be relevant.

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 Gordon Waterson should be the subject of a prohibition order with no provision for a review period.

In particular, the panel has found that Mr Waterson 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

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

The findings of misconduct are particularly serious as they include a finding of a conviction for the relevant offences of making and distributing photographs or pseudo-photographs of children.

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 Waterson, 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:

“The panel noted that Mr Waterson’s actions did not appear to involve a pupil or a colleague at the School. However, the panel considered that his actions were relevant to teaching, working with children and/or working in an education setting, in particular

because he had accessed and distributed indecent images of children between the ages of 2 and 12. He had taught and might continue to teach children of the same or similar age in the future.”

“The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public.”

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 found that Mr Waterson showed some limited insight into his actions, as he had been proactive in trying to engage in rehabilitation and recognised that his behaviour was unacceptable. The panel noted that he had gone above and beyond what was required of him, as he sought appropriate professional support to address his offending behaviour. Notwithstanding this, the panel did note that, as Mr Waterson was facing a custodial sentence, it was in his interest to obtain additional professional support and complete online courses [REDACTED].” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Waterson were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction for serious offences that involved children 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 a relevant conviction, 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 Waterson himself. The panel comment “There was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Mr Waterson contributed significantly to the education sector.”

A prohibition order would prevent Mr Waterson 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. The panel found that Mr Waterson has shown only "limited insight".

I have also placed considerable weight on the finding of the panel concerning the seriousness of the offences for which Mr Waterson was convicted. The panel notes "there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns".

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Waterson 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 insight and remorse, 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.

I have considered the panel's comments, "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Waterson had been convicted of 3 counts of making indecent photographs or pseudo-photographs of children and 3 counts of distributing indecent photographs or pseudo-photographs of a child."

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 nature of the offences of which Mr Waterson was convicted, the lack of full insight and the impact on the public's perception of the teaching profession.

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 Gordon Waterson 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 Waterson 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 Waterson 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 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 10 November 2023

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