



Teaching
Regulation
Agency

Mr Nicholas Moody: Professional conduct panel 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 Nicholas Moody
TRA reference: 18767
Date of determination: 29 November 2023
Former employer: Gad's Hill School, Rochester

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 27 November to 29 November by way of a virtual hearing, to consider the case of Mr Nicholas Moody.

The panel members were Ms Bev Williams (teacher panellist – in the chair), Ms Rachael Fidler (teacher panellist) and Mr Duncan Tilley (lay panellist).

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

The presenting officer for the TRA was Ms Samantha Paxman of Browne Jacobson solicitors.

Mr Nicholas Moody was present and was represented by Mr Alexander Adamou of 33 Bedford Row.

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

Allegations

The panel considered the allegations set out in the notice of proceedings dated 4 September 2023.

It was alleged that Mr Moody was guilty of conduct that may bring the profession into disrepute, in that prior to his appointment as teacher at Gad's Hill School ('the School'):

1. Between 2016-18, he shared one or more posts and/or images on his Facebook page which demonstrated a lack of tolerance and/or respect for individuals on grounds of religion and/or nationality, including each of those set out on the schedule to this Notice of Hearing which references the nature of the post and the date this was published.

It was also alleged that Mr Moody was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a Teacher at the School during the period January 2019 to October 2019:

2. He failed to remove the public posts identified at allegation 1 above, prior to and/or during his employment as a teacher between 7 January -3 October 2019.
3. By his conduct as may be found proven at allegation 1 above he failed to uphold fundamental British values.

Mr Moody denied the particulars of allegations 1, 2 and 3 as set out in the notice of hearing response dated 27 September 2023.

Preliminary applications.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the April 2018 Procedures apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Application to admit disputed documents

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

In accordance with paragraph 4.22 of the April 2018 Procedures, the bundle of disputed documents had been served on Mr Moody two weeks prior to the hearing.

The panel was not provided with the bundle of disputed documents and had not therefore had sight of the documents at the point at which it considered the presenting officer's application.

However, the presenting officer explained that the bundle comprised of: (a) an unredacted schedule of allegations; and (b) four screenshots depicting images and/or 'memes' shared on social media which were relevant to the redacted parts of the schedule of allegations.

The presenting officer submitted that the documents were relevant and admissible because witnesses would be able to give evidence on the content of the images and memes.

Mr Moody objected to the admission of the documents and submitted that they could not be attributed to him as they had no link to his Facebook. It was also submitted that none of the witnesses had mentioned any of these images in their witness statements.

The panel considered representations from the presenting officer and teacher's representative in respect of the application.

The panel considered the disputed documents were not relevant and added nothing to the matters it had to determine and therefore inadmissible.

Application to admit additional documents

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

The presenting officer's document was the Acceptable Use Policy.

The documents subject to the application had not been served in accordance with the requirements of the April 2018 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the April 2018 Procedures.

The panel heard representations from the presenting officer and teacher's representative in respect of the application.

The panel considered the additional document was not relevant and added nothing further. Accordingly, the document was omitted from the evidence considered by the panel.

Summary of evidence

Documents

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

- Section 1: Chronology – page 5
- Section 2: Notice of hearing and response – pages 7 to 16
- Section 3: TRA witness statements – pages 18 to 22
- Section 4: TRA documents – pages 24 to 110
- Section 5: Teacher documents – pages 112 to 137.

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

Witnesses

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

- Witness A, [REDACTED] at the School
- Witness B, [REDACTED] at the School

The panel also heard oral evidence from Mr Moody.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Moody began working for Gad's Hill School ('the School') on 7 January 2019 as a teacher of mathematics. He was also employed as a Combined Cadet Force ('CCF') instructor, responsible for delivering the cadet programme within the School.

On or around 2 October 2019, concerns were raised regarding posts on Mr Moody's Facebook account between January 2016 and January 2018.

On 3 October 2019 [REDACTED] met with Mr Moody to discuss these concerns, and on 12 October 2019 Mr Moody was dismissed.

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 are guilty of conduct that may bring the profession into disrepute in that prior to your appointment as a teacher at Gad's Hill School ('the School'):

- 1. Between 2016-18, you shared one or more posts and/or images on your Facebook page which demonstrated a lack of tolerance and/or respect for individuals on grounds of religion and/or nationality, including each of those set out on the schedule to this Notice of Hearing which references the nature of the post and the date this was published.**

Mr Moody denied allegation 1.

The panel was provided with a screenshot of a Facebook profile for 'Nick Moody'. The profile picture was redacted, but the screenshot showed one Facebook 'friend', [REDACTED]. The panel was also provided with a screenshot of [REDACTED] Facebook profile which was redacted save for the name [REDACTED] and what appeared to be a [REDACTED]. It was accepted by Mr Moody that this was his [REDACTED].

The panel was also provided with a series of screenshots as follows:

- A screenshot of a post from another Facebook user which had been shared by Nick Moody on/around 21 August 2017. The post contained an image of a group of individuals with hoods and face coverings holding long pieces of wood. The text above the image read: *"Notice the nails in the ends of Antifa sticks? That's called a weapon. They use them to stab police horses."*
- A screenshot of a post from another Facebook user which had been shared by Nick Moody on/around 3 September 2017. The post contained an image of a 'for sale' housing sign. The sign contained the company name, 'Blacks', and the words 'FOR SALE' below the company name, followed by a telephone number. The text above the image read: *"I thought this wasn't allowed now BLM lol"*.
- A screenshot of Facebook a post from 'UK politics uncovered' which had been shared by Nick Moody on/around 17 September 2017. The post contained an image of a group of people at what appeared to be a memorial or candle lit vigil. The text on the image read: *"terrorists beware... we've got flowers and candles and we're not afraid to use them."*

- A screenshot of a post from another Facebook user on/around 24 October 2017 which had been shared by Nick Moody. The post contained an image of a white female child/women (uncovered) surrounded by individuals covered completely with black coverings with the words: *“Britain 2050 ‘why didn’t you stop them Grandad?’”*.
- A screenshot of a Facebook post from ‘UK politics uncovered’ which had been shared by Nick Moody on/around 30 October 2017. The post contained an image of several individuals wearing a niqab and abaya (veil covering head, face and body but not the eyes) with the words: *“Happy Allahween”*.
- A screenshot of a post from another Facebook user which had been shared by Nick Moody on/around 30 December 2017. The post contained an image of a chalkboard with the words: *“Eating two strips of bacon for breakfast reduces your chance of being a suicide bomber by 100%”*
- A screenshot of a Facebook post from ‘Dad Joke of the Day’ on/around 28 January 2018 which said: *“Apparently it’s no longer politically-correct to direct a joke at any racial or ethnic minority, so: An Englishman, a Scotsman, an Irishman, a Welshman, a Ghurkha, a Latvian, a Turk, an Aussie, two Kiwis, a German, an American, a South African, a Cypriot, an Egyptian, a Japanese, a Mexican, a Spaniard, a Russian, a Pole, a Lithuanian, a Swede, a Finn, an Israeli, a Dane, a Romanian, a Bulgarian, a Serb, a Swiss, a Greek, a Singaporean, an Italian, a Norwegian, a Libyan, a Muslim, a Hindu, a Buddhist and an Ethiopian went into a night club. The bouncer said, ‘sorry, I can’t let you in without a Thai.”*
- A screenshot of a Facebook post from “Enter at your own risk” which had been shared by Nick Moody on/around 10 February 2018. The post contained an image of an individual wearing a niqab and abaya style dress, which is illuminous yellow with two silver stipes (similar to hi-vis material).
- A screenshot of a Facebook post from “Brexit” on/around 15 February 2018 (original post 18 January 2016) which Nick Moody had shared. The post contained an image of a man with the words: *“Islamic teacher who sexually abused girl, 11, as he taught her the Koran has been spared jail because he’s on benefits and his wife doesn’t speak English... share if you agree this is an outrage”*

The panel considered the written witness statement and oral evidence of Witness A, [REDACTED] at the School. Witness A’s evidence was that, on 2 October 2019, he received an email from Witness B, the School’s [REDACTED]. Witness B provided Witness A with screenshots from Mr Moody’s Facebook page as detailed above.

Witness B’s evidence was that, on 2 October 2019, she became aware from [REDACTED] that a number of [REDACTED] pupils at the School had discovered Mr Moody’s Facebook account, and that the account contained inappropriate posts. Witness

B said there was also a rumour Mr Moody had made racist comments, although she was unsure whether such comments were made directly to or about a pupil, or if they were based on the content on his Facebook account. Witness B clarified that her main concern was the Facebook account as she had no evidence to confirm any comments that had been made.

Witness B accessed Mr Moody's Facebook account. She said she was not friends with Mr Moody but she was able to locate his account via Facebook search. She said he had a ski mask on in his profile picture, however she was able to identify his page via his [REDACTED]. Witness B took screenshots of the posts as detailed above and emailed Witness A.

Witness A stated that on receipt of the email from Witness B, he accessed Facebook and searched for 'Nick Moody'. He stated that when he had typed in Mr Moody's name, a list of individuals appeared, and he located the account in question due to the profile picture which he recognised from the screenshots.

Witness A stated that he could not recall seeing any posts published since Mr Moody's employment at the School, nor did his account identify the School.

Witness A submitted that there were numerous posts on Mr Moody's profile, not all were inappropriate, but a significant number contained inappropriate imagery or text of an anti-Islamic or racist nature. Witness A stated that on review of the Facebook account, he was able to verify that the screenshots from Witness B came from Mr Moody's account.

Witness A stated that he found the posts to be highly inappropriate, as the School has a duty to actively promote fundamental British values, and he believed that the posts did not comply with these values or with the values of the School.

Witness A explained that on 3 October 2019, he met with Mr Moody. Witness A submitted that during the meeting he showed Mr Moody the Facebook page he had accessed and asked if it was his Facebook profile. Mr Moody responded that it was. Witness A said that Mr Moody did not say much during their meeting, but he did not disagree that the posts could be considered offensive.

Witness A stated that at no point did Mr Moody state that he had not shared the images or say that his account had been hacked or that he had not seen the pictures before this meeting. It was accepted by Witness A that no checks were undertaken by the school in respect of the metadata associated with the pictures, such as when they were shared and by whom.

Witness A stated that he asked Mr Moody if he was prepared to shut down his account or delete his posts. Mr Moody agreed to do so, but said that he did not know how to close the account.

Witness A also explained that teachers would have regular training throughout the year which would have included training on the use of social media.

Witness B gave evidence surrounding the training undertaken and she stated that this may have been missed by Mr Moody as he joined halfway through the year.

Witness A stated that Witness B emailed Mr Moody instructions on how to delete his account, to which he responded that he had deleted the account, and Witness B confirmed she could no longer access the account. Witness A submitted that he also attempted to access Mr Moody's Facebook account, and his profile did not appear in his search.

Witness B stated that after the meeting, she went to Mr Moody's classroom, and he could not remember the password to his Facebook account, but he later emailed her to confirm he had deleted his account.

The panel was provided with a copy of an email from Mr Moody on 3 October 2019 which indicated that he had deleted his Facebook account.

The panel considered the oral evidence and witness statement of Mr Moody. Mr Moody stated that he does not understand how Facebook works, and that the Facebook account was set up whilst [REDACTED]. He said he set up his Facebook account to act as a support network for himself and others who had attended [REDACTED]. However, as time went on his contact with those individuals became less and less and reached the point where he no longer used the account.

Mr Moody stated he does not agree with the opinions implied by the posts within the bundle and finds them abhorrent and disgusting and could cause offence. Mr Moody did not dispute that the Facebook account belonged to him but stated that he did not share the posts. He provided specific comments on the Facebook posts and images. In summary, he stated that he did not recall seeing the images or sharing them to his Facebook page.

Mr Moody shared that he used [REDACTED] as the password to make his Facebook account to make it easy, and never changed this. He stated that anyone who knows [REDACTED] could have accessed the account. He suggested that his [REDACTED] might have accessed the account and suggested that she would have taken great delight in doing so [REDACTED]. He did however state that he could not recall providing anyone with the password to his account.

Mr Moody stated that he did not know there were two levels of Facebook about friends only sharing and worldwide sharing and stated that he still does not know the exact difference. The panel noted Mr Moody had given advice to his [REDACTED] regarding personal Facebook settings and encouraged her to ensure that the settings were appropriate to protect her. The panel further considered Mr Moody's statement and noted

the comment '*I have a [REDACTED] who has social media accounts (thankfully not Facebook), I am constantly reminding her of being mindful of what she posts and only 'friend' people she knows.....Why would I not take my own advice?*'

The panel noted that Mr Moody was working in a state school in 2017 and that he said in his statement '*you are constantly reminded about keeping your Facebook account private and be aware of any friend invitations or accepting invitations to any group.*'

The panel felt that this implied an accepted responsibility on Mr Moody as a teacher to monitor and check his Facebook account.

Mr Moody stated that he deleted the account as soon as the "*disgusting posts*" were shown to him by Witness A. He submitted that he got help from Witness B, as he did not know how to delete the account.

The panel considered the evidence before it. The panel found that the pictures were displayed on Mr Moody's public profile and that they had been shared. The panel was of the view that the Facebook posts demonstrated a lack of tolerance and/or respect for individuals on the grounds of religion and/or nationality. In particular, some of the posts contained content that, in the panel's view, was anti-Islamic and/or anti-Muslim, whilst others could be considered to be racist in general. As outlined above, Mr Moody himself referred to the content as "*disgusting*" and "*abhorrent*" although denied that the posts had been sent by him.

The panel was not provided with any metadata relating to the posts and it therefore considered the evidence it heard from Mr Moody, Witness A, Witness B and read in the Police report. In particular, the panel noted that Mr Moody did not deny that the posts had come from his account when he met with Witness A and Witness B on 3 October 2019, although he did express shock as to the content that was visible on his Facebook page. The panel felt that this could have been an appropriate time to offer some form of account as to why the posts were there without his knowledge but none was forthcoming.

The Panel noted that the account Mr Moody gave regarding not attending an appeal hearing held by the School and whether his account had in fact been deleted varied over time and therefore did not consider his evidence consistent and credible.

The panel concluded, on the balance of probabilities, that Mr Moody had shared the posts and images referred to above.

The panel found allegation 1 proven.

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a Teacher at Gad's Hill School ('the School') during the period January 2019 to October 2019:

2. You failed to remove the public posts identified at allegation 1 above, prior to and/or during your employment as a teacher between 7 January -3 October 2019.

Mr Moody accepted that he had failed to remove the Facebook posts prior to and/or during his employment as a teacher between 7 January and 3 October 2019. He stated that, had he known about the posts, he would definitely have removed them (prior to them being brought to his attention by Witness A).

Mr Moody referred to the fact that, as outlined above, he deleted his Facebook account following his meeting with Witness A and Witness B.

The panel took into account that Mr Moody said had he known of the posts he would have removed them. It was clear to that these posts remained on his profile and he failed to remove until 3 October 2019.

The panel noted the various accounts given by Mr Moody in regard to having the opportunity to close his account and no longer using his account.

The panel concluded that Mr Moody had failed to remove the public posts identified at allegation 1 above, and found allegation 2 proven.

3. By your conduct as may be found proven at allegation 1 above you failed to uphold fundamental British values.

Mr Moody denied allegation 3. He stated that he denied allegation 1 and therefore does not believe he has failed to uphold fundamental British values.

Mr Moody accepted that the images shared on Facebook and the sentiment they imply undermine fundamental British values that teachers work hard to uphold. Mr Moody said he had always been tolerant and inclusive to students and adults of different faiths and nationalities.

The panel noted the definition of fundamental British values in the Teachers' Standards follows: *'Fundamental British values'... includes 'democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs'*.

The panel considered the evidence before it namely the posts that had been provided in evidence. The panel found that, by sharing posts on Facebook that demonstrated a lack of tolerance on the grounds of religion and nationality, Mr Moody had failed to show mutual respect and tolerance of different faiths and beliefs. The panel therefore concluded that Mr Moody had failed to uphold fundamental British values.

The panel found allegation 3 proven.

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

The panel found allegations 1, 2 and 3 proven.

The panel went on to consider whether allegations 2 and 3 amounted to unacceptable professional conduct and whether allegations 1, 2 and 3 amounted to conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Moody, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Moody 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
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- 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.

Unacceptable professional conduct

Mr Moody accepted that the posts shared on Facebook could be deemed offensive and inappropriate. Despite this, the panel found that Mr Moody had shared the posts in question. In doing so, he allowed the posts to be made available to the general public and they were freely accessible and indeed were accessed by pupils and/or parents of

the School. The posts shared by Mr Moody, in the panel's opinion, demonstrated a lack of tolerance on the grounds of religion and nationality.

The panel was therefore satisfied that Mr Moody's conduct in relation to the facts found proven at allegations 2 and 3 amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

The panel found that the offence of intolerance on the grounds of race/religion was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the conduct set out at allegations 2 and 3 appeared to have taken place outside the education setting. However, the panel considered that the conduct was relevant to Mr Moody's status as a teacher, particularly given that it appeared pupils and/or parents of the School had seen the Facebook posts.

Accordingly, the panel was satisfied that Mr Moody was guilty of unacceptable professional conduct in respect of the conduct found proven at allegations 2 and 3.

Conduct that may bring the profession into disrepute

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct in respect of allegations 1, 2 and 3 are serious. The panel considered that the conduct displayed would be likely to have a negative impact on Mr Moody's status as a teacher, potentially damaging the public perception, particularly given that the Facebook posts were publicly available and accessible by pupils and/or parents of the School.

The panel therefore found that Mr Moody's actions constituted conduct that may bring the profession into disrepute in respect of the conduct found proven at allegations 1, 2 and 3.

Having found the facts of allegations 1, 2 and 3 proved, the panel further found that Mr Moody's conduct in respect of allegations 2 and 3 amounted to unacceptable professional conduct and his conduct in respect of allegations 1, 2 and 3 amounted to conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

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

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

The panel found that Mr Moody had: shared posts on Facebook which demonstrated a lack of tolerance and/or respect for individuals on grounds of religion and/or nationality; failed to remove those posts prior to being employed by the School; and that he had failed to uphold fundamental British values. In light of the panel's findings, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public, particularly those with different beliefs.

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

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

The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator

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 Moody. 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 Moody. 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;
- violating of the rights of pupils;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism. This would encompass deliberately allowing the exposure of pupils to such actions or behaviours, including through contact with any individual(s) who are widely known to express views that support such activity, for example by inviting any such individuals to speak in schools.

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

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

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

The panel noted Mr Moody's witness statement where he stated that he feels very guilty when he sees the images and pictures that were posted to his account.

Mr Moody stated that he has not taught since the allegations and no longer has a Facebook account. He stated that he now has multi-factor authentication on his other online accounts such as his emails after researching online account security.

Mr Moody explained that he attended an online diversity training course and stated that the views in the posts "*completely undermine the trust that parents have in their child's teacher*". He stated that school should be a safe place and students should feel valued, he submitted that he would not do anything to cause the young people to lose that trust.

Mr Moody stated that he would love to return to teaching.

Mr Moody provided character references from the following individuals:

- Individual A, mother of [REDACTED] who Mr Moody had tutored in [REDACTED]
- Individual B, mother of [REDACTED] who Mr Moody had been tutoring

- Individual C

The character references contained positive comments about Mr Moody as a tutor. The panel noted the following in particular:

- *“I found Nick to be very good at discovering, and relating to, my son’s needs”*
- *“Throughout the time I’ve known Nick he has always treated both my daughters and I with the up most respect”*
- *“His ability to teach with empathy and understanding is absolutely amazing”*
- *“His high energy for the subject enables children to want to succeed”*

The panel took these comments into account and considered the evidence Mr Moody gave about his teaching achievements. However, the panel saw neither evidence that he had exceptionally high standards in both personal and professional conduct, nor had he contributed significantly to the education sector.

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 took into account the significant period of time that had passed since the offending behaviour and the steps Mr Moody had taken to ensure this did not happen again.

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. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct in respect of allegations 2 and 3 and conduct that may bring the profession into disrepute in respect of allegations 1, 2 and 3.

The panel has made a recommendation to the Secretary of State that Mr Moody should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Moody 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
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- 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 finds that the conduct of Mr Moody fell significantly short of the standards expected of the profession.

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

In this case, I have considered the extent to which a prohibition order would protect children and/or safeguard pupils. The panel has observed, "The panel found that Mr Moody had: shared posts on Facebook which demonstrated a lack of tolerance and/or respect for individuals on grounds of religion and/or nationality; failed to remove those posts prior to being employed by the School; and that he had failed to uphold fundamental British values. In light of the panel's findings, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public, particularly those with different beliefs." 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 Moody stated he does not agree with the opinions implied by the posts within the bundle and finds them abhorrent and disgusting and could cause offence." I have therefore given this element weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Moody was not treated with the utmost seriousness when regulating the conduct of the profession." In addition the panel went on to say "The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator."

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Moody himself and the panel comment "Mr Moody stated that he has not taught since the allegations and no longer has a Facebook account. He stated that he now has multi-factor authentication on his other online accounts such as his emails after researching online account security."

The panel were provided with a number of positive character references and also noted that Mr Moody stated that he would love to return to teaching.

A prohibition order would prevent Mr Moody 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 insight or remorse. The panel has said, "The panel noted Mr Moody's witness statement where he stated that he feels very guilty when he sees the images and pictures that were posted to his account."

I have also placed considerable weight on the finding of the panel that "Mr Moody explained that he attended an online diversity training course and stated that the views in the posts *"completely undermine the trust that parents have in their child's teacher"*. He stated that school should be a safe place and students should feel valued, he submitted that he would not do anything to cause the young people to lose that trust." And the panel went on to say it "took into account the significant period of time that had passed since the offending behaviour and the steps Mr Moody had taken to ensure this did not happen again."

I have given weight in my consideration of sanction therefore, to the contribution that Mr Moody has made to the profession.

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.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 4 December 2023

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