



Teaching
Regulation
Agency

Ms Sally-Anne Bowen: Professional conduct panel outcome

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

December 2023

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

Teacher: Sally-Anne Bowen
Teacher ref number: 8463687
Teacher date of birth: 10 January 1961
TRA reference: 17053
Date of determination: 19 December 2023
Former employer: Christ College, Finchley

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Teams on 28 November 2022 to 1 December 2022, 19 May 2023 to 26 May 2023 (excluding 24 May 2023), 23 to 24 November 2023 and 18 to 19 December 2023 and to consider the case of Ms Bowen.

The panel members were Mr Duncan Tilley (lay panellist – in the chair), Mrs Jane Gotschel (teacher panellist) and Mr Peter Ward (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP during the 2022 and May 2023 hearings. Ms Patricia D’Souza of Blake Morgan LLP was the legal advisor during the 23 to 24 November and 18 and 19 December 2023 hearings.

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson LLP.

Ms Bowen was present and was represented by Mr Jonathan Storey, instructed by Quantrills Solicitors who were also present.

The hearing took place in public (save for elements of the evidence which was heard in private) and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 14 July 2022.

It was alleged that Ms Bowen was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a chemistry teacher at Christ College Finchley:

1. Between September 1986 and July 1988, she engaged in an inappropriate relationship with Pupil A in that on one or more occasions she;
 - a. met outside of School;
 - b. took him to a pub and purchased him an alcoholic drink;
 - c. allowed him to visit her home;
 - d. engaged in sexual activity and or/ conduct of a sexual nature;
2. her conduct at Allegation 1 above was sexually motivated.

Ms Bowen denied the allegations in full.

Preliminary applications

Application to consider evidence privately

The teacher's representative made an application for certain parts of the evidence in this case to be heard in private, in particular information relating to aspects of the teacher's health.

The panel noted the advice provided by the legal advisor in that paragraph 4.57 of the Teacher Misconduct: disciplinary procedures for the teaching profession 2018 ("the Procedures") require, as a starting point, that these proceedings are held in public. The public nature of these proceedings is important. It is a fundamental principle of open justice, not least as it maintains public confidence in the administration of justice and the regulatory process as a whole. Any departure from the starting point must only be undertaken if it is necessary to do so and must be no more than the minimum required to meet that necessity. Article 6 of the European Convention on Human Rights is concerned with a person's right to a fair hearing and it also includes specific reference to the exclusion of the public and press from a hearing in order to protect the private life of the parties. The panel noted that being

concerned with the risk of adverse publicity will rarely, if ever, suffice to justify an entire hearing being conducted in private. The panel determined that it was appropriate for discrete parts of the hearing to be held in private to discuss personal or private health matters that do not relate directly to the case. This, in the panel's view, would otherwise preserve the open nature of the proceedings. This application was upheld.

The teacher's representative also applied for a redacted version of the bundle to be provided to Pupil A and a direction that none of the parties, including the panel, would question Pupil A about Ms Bowen's health matters and that all evidence relating to this was not disclosed to Pupil A. The presenting officer submitted that the panel should not be restricted in terms of the areas of questioning they take, and it was appropriate to request Pupil A comment on specific health matters. The advice from the legal advisor indicated that paragraph 4.65 of the Procedures provides the panel with explicit authority to control the procedure of this hearing and confine the questioning of any witness.

The panel determined that it was appropriate for a redacted version of the bundle which did not refer to sensitive health information to be provided to Pupil A. The panel also determined that it did not wish to fetter itself in terms of the questions it may or may not ask a witness. It is always the case that the panel will adjourn for a short period to determine appropriate questions for a witness after hearing their initial evidence and response to cross examination questions. If the panel considered it may be necessary to ask Pupil A to comment on Ms Bowen's health matters, then the panel agreed to first ask Pupil A to leave the hearing so that the panel could discuss the matter with the two parties' representatives in advance before asking such questions, in order to gauge the parties' view. The panel then would go on to make a further determination as to whether to raise such questions with Pupil A.

Application for vulnerable witness measures

In the course of Pupil A giving oral evidence on the first day of the hearing, it became apparent that there was a third party in the room with Pupil A whilst he was giving evidence. On the second day of the hearing, the presenting officer applied for a vulnerable witness measure, for Pupil A to have a witness supporter present in the room with him whilst he gave oral evidence. Pupil A did not wish the witness supporter to be visible on screen whilst he gave his evidence.

The presenting officer highlighted that a panel may consider a witness to be vulnerable if the allegation against the teacher, that the witness raises, is of a sexual nature and where the witness is the alleged victim. The presenting officer also submitted that the panel could make it clear to Pupil A that he must not communicate to anyone else at all whilst giving evidence if they were content for his witness supporter not to be visible on the screen.

Ms Bowen's legal representative submitted that Ms Bowen did not object to Pupil A having a witness supporter but objected to Pupil A's family member being the supporter [Redacted] whilst he was giving evidence on the first day of the hearing. The teacher's representative also submitted that it is vital as a matter of fairness and justice for the witness supporter to be present on screen to avoid any risk of the supporter influencing or contaminating the oral evidence of Pupil A.

The panel noted advice from the legal advisor in which he highlighted the panel's powers, under paragraph 4.71 of the Procedures, to impose vulnerable witness measures particularly where the allegation against the teacher is of a sexual nature and the witness is the alleged victim, and the panel's ability to direct a witness supporter to be provided to Pupil A. The legal advisor reminded the panel that when Pupil A first attended the hearing, the Chair explained that he should be in a room alone without anybody else present and the effect of this, whilst this was a virtual hearing, is to ensure this has the same full effect as an in-person hearing. Any witness supporter in an in-person hearing room has the full visibility of a panel. The concern raised by Ms Bowen's representative related to the extraneous effects of the sources that cannot be seen by the panel when a witness is giving evidence and how that touches on fairness of these proceedings. The panel noted that the key issue is in securing the best quality evidence that it can and in conducting a balancing exercise between protecting the rights of and safeguarding witnesses and protecting the integrity and the fairness of these proceedings for all those involved.

The panel determined it was appropriate to regard Pupil A as a vulnerable witness given the sexual nature of the allegations against Ms Bowen and Pupil A being the alleged victim. The panel considered it was reasonable for a witness supporter to be present with Pupil A whilst giving evidence. The panel determined it was in the interests of all parties, and to preserve the public interest, that the panel made clear that the witness supporter is only fulfilling the role of witness supporter, to enable Pupil A to give free and unencumbered evidence and the best evidence, whilst having the witness supporter visible on screen at all times. The panel was not persuaded that the witness supporter should be permitted to be out of sight during the hearing.

Questions about Pupil A's background

During the course of the hearing, the teacher's representative sought clarification from the panel as to whether he may ask questions that delved into Pupil A's family background, upbringing and general circumstances surrounding the allegations, as this was objected to by the presenting officer. The panel determined that as the TRA witness evidence in the bundle includes details of personal background, it was reasonable for the teacher's representative to explore these areas. Provided it was done with circumspection and only if it was relevant to helping the panel understand the background to assist it to form a

conclusion on the allegations, rather than asking questions simply for the sake of it. The panel retained the ability to probe with the teacher's representative the relevance of certain questions if it was unclear, but it was not opposed, in principle, to the exploration of the TRA's witness evidence.

Transcripts

At the resumption of this hearing on 19 May 2023 not all the transcripts of the previous hearing days had been made available to the parties or the panel in good time, and part of one transcript was still in the process of being transcribed. The teacher's representative made an application for the hearing day on 19 May 2023 to be converted to a reading day to enable all parties to review the transcripts.

The panel noted paragraph 4.82 of the Procedures which states that following an adjournment that exceeds a period of three months, prior to any resumption of the hearing, the TRA will send to the teacher a note or transcript of the evidence of the adjourned hearing. Ms Bowen's representative confirmed no note or transcript was sent to Ms Bowen. The legal advisor advised that it was a matter for the panel to determine this matter as a procedural issue relating to the running of this hearing rather than a case management decision. The panel determined it was appropriate to convert the hearing day on 19 May 2023 to a reading day in the interests of justice and out of fairness to the parties.

Abuse of process

The teacher's representative made an application consisting of two substantive submissions. The first of those was a submission that to continue these proceedings would now amount to an abuse of process and secondly, that having considered the TRA's case, there was no case for Ms Bowen to answer.

In regard to the submission on abuse of process, the teacher's representative's submissions focused on the issue of delay in this case. This matter previously went part heard on 1 December 2022 and resumed on the next available day of Friday 19 May 2023, for a further five-day listing. The resumption of the evidential phase of this hearing was not able to start on 19 May 2023. The reason for this was the delay caused by the TRA in providing the parties and the panel with the transcripts from the earlier hearing. The TRA's disciplinary procedures require the TRA to provide transcripts or a note of the hearing if there has been an adjournment for a period of over three months. Before the panel there was evidence that Ms Bowen's legal representatives had raised the issue of the missing transcripts in early April 2023. At first, the TRA's position was that the transcripts would not be provided. However, this position changed when Ms Bowen's legal representatives took the TRA to the relevant provisions in the disciplinary procedures which set out the requirement to provide

the transcripts. The TRA subsequently agreed to provide transcripts and they were finally sent to the parties, panel and legal adviser on 17 May 2023. This necessitated the panel converting the hearing day on 19 May 2023 to a reading day. It quickly became apparent that part of the transcript was missing, including a substantial amount of Pupil A's evidence. The TRA confirmed that element of the transcript had initially been missed and was still being transcribed. This final portion of the transcript was not available until lunchtime on Tuesday 23 May 2023. Being an important element of the transcript and consisting of over 70 pages, the teacher's representative fairly required the rest of the afternoon to consider the further material.

The teacher's representative submitted that the impact of this delay, essentially amounting to over two days of what should have been spent considering Ms Bowen's oral evidence and other witnesses she intended to call, meant the hearing could not now complete in the allocated time. Despite making efforts to move a number of defence witnesses around the remaining time left in this hearing, there were now a number of witnesses Ms Bowen was due to call to give factual and character evidence in this case who were not available on the remaining days to give their evidence. The teacher's representative also highlighted that Ms Bowen was privately funding her legal representation and the further costs of this hearing going part heard for a second time would cause significant difficulties for Ms Bowen. On that basis, the teacher's representative submitted that Ms Bowen had been seriously prejudiced by the failings of the TRA, to the extent that she could now no longer have a fair hearing. Alternatively, the teacher's representative submitted that if these factors offended the panel's sense of justice and propriety for the case to continue in these circumstances, the panel should exercise its power to stop this case.

The presenting officer accepted that criticism could be made of the TRA regarding the circumstances of the delayed transcript. However, the presenting officer submitted that as Ms Bowen had enjoyed representation by both counsel and solicitor at the previous hearing, it would be expected that they would have made a number of detailed notes about the evidence at that hearing, which would have mitigated the absence and delay of any transcript being produced. It was further submitted that the presenting officer considered there was still a significant amount of time left in this current listing where evidence could be considered, including giving thought to options such as taking witnesses out of turn. Where there were remaining witnesses that could not give evidence at this hearing, it was submitted the remedy ought to be that the case is further adjourned for their availability, as opposed to discontinuing the case at this stage. The presenting officer highlighted that the nature of the allegations before the panel were of the most serious type that professional conduct panels consider and therefore it was in the public interest that the factual allegations in this case are fully resolved by the panel.

In making its decision the panel gave particular consideration to the factors set out in the case of R v S (2016), which was submitted by the teacher's representative as an important authority dealing with delay and which the legal adviser also advised the panel to take into account.

It was clear to the panel on the evidence before it that the TRA had failed to follow its own procedures and, in the first instance, even failed to recognise its own obligations under those procedures. This failing had a clear and marked impact on the timely progression of this hearing, which was already part heard. The fault of that issue lay squarely at the door of the TRA, as a party in this case. The panel considered there could be little doubt that, as a result of the TRA's failings, Ms Bowen's position had been prejudiced. The panel recognised that the prospect of this hearing being further adjourned and going part heard for a second occasion was unattractive and also that this would cause further prejudice to Ms Bowen, particularly in regard to the financial aspects. However, the panel acknowledged that an adjournment was an option open to them and considered this was a key element in being able to give Ms Bowen a fair hearing.

Accordingly, the panel was satisfied that the prejudice caused to Ms Bowen was not to the extent that a fair trial could not be had and that these circumstances, although deeply frustrating, did not cross the high bar to be considered an exceptional reason as to why this case should be stopped as an abuse of process. Furthermore, taking into account the very serious nature of these allegations, there was a clear public interest in resolving these allegations through a full fact-finding exercise. When balancing the prejudice caused to Ms Bowen with these public interest factors, the panel concluded that continuing with the hearing would not offend its sense of justice and propriety nor would it undermine public confidence in the regulatory system and bring it into disrepute.

Therefore, in considering its powers under paragraph 4.54 of the disciplinary procedures the panel decided it was not fair and appropriate to discontinue the proceedings at this point as an abuse of process.

No case to answer

The teacher's representative made a further submission that there was no case to answer following the close of the TRA's case. The teacher's representative submitted that the panel should apply the test given in the case of R v Galbraith (1981) and that the evidence in this case fell under the second limb of that test. The teacher's representative submitted that the nature of the evidence before the panel was implausible, inconsistent, contradictory, vague and so incredible that no properly directed panel could make a finding that the allegations were proved. The teacher's representative then carefully took the panel through a number of examples which he submitted demonstrated the evidence was of this nature.

The presenting officer submitted that the panel should continue to hear the remaining evidence in this case and for it to be fully tested. The presenting officer highlighted that it is often the case in sexual allegations that, where sexual activity has taken place in private, the substantive evidence will be that of the word of two witnesses. In this case, whilst the substance of the allegations was clearly disputed, there were some aspects of agreed evidence between Ms Bowen and Pupil A; these included encounters on bus journeys, in a cafe and at a pub, albeit the accounts by both were markedly different as to what happened on those occasions. The presenting officer also highlighted other aspects of the evidence such as that which was corroborated by other witnesses. Furthermore, the presenting officer submitted the seriousness of the allegations meant it was important to resolve them fully.

The panel followed the advice of the legal adviser and applied the test as set out in *R v Galbraith*. In considering the first limb of the test, there was no dispute between the parties that there was some evidence before the panel on which a finding could be made. Accordingly, the panel gave no further consideration to this limb of the test.

The panel considered that much of the weighing of the evidence in this case would require an assessment of the TRA's witnesses' credibility and reliability, particularly that of Pupil A. The panel took into account that these are allegations of a historic nature going back a number of years. In such cases, the panel considered a very careful analysis of a witness's credibility and reliability had to be undertaken, owing to the impact that the passage of time can have on a witness's memory. Taking into account these factors, the panel was of the view that the evidence, taken at its highest, could not be considered to be so unreliable as to be incapable of proving the allegations without resolving the question of its credibility and reliability. It therefore fell under part (a) of the second limb of the *Galbraith* test and should be resolved by a full consideration of the evidence.

The panel did not accept the presenting officer's submission that the seriousness of the allegations should be a factor that is taken into account when assessing a case of no case to answer. The panel gave no consideration to that factor in its decision.

Accordingly, the panel did not accept the teacher's representative's submission on no case to answer.

The panel had made no determination on the facts in this case at that stage nor had it made any provisional findings in regard to the evidence before it. The panel considered this submission in the framing as to whether any properly directed panel could make that determination. Therefore, the panel's reasons should not be seen as indicative as to any conclusions it may make in the factual determination of this case.

Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 5 to 19

Section 2: Teaching Regulation Agency witness statements – pages 20 to 68

Section 3: Teaching Regulation Agency documents – pages 69 to 196

Section 4: Teacher documents – pages 197 to 376

In addition, the panel agreed to accept the following:

Section 5: Medical evidence bundle – pages 377 to 392

Section 6: Second witness statement of Ms Bowen — pages 393 to 405

Section 7: Transcripts from previous hearing dates on 28 November 2022 to 1 December 2022, 19 May 2023 to 26 May 2023 (excluding 24 May 2023) – containing their own page numbering.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from the following witnesses called on behalf of the TRA:

- Pupil A [Redacted]
- Witness J [Redacted]
- Witness K [Redacted]

The panel also heard oral evidence from the following witnesses called on behalf of the teacher:

- Sally-Anne Bowen (the teacher)
- Witness B – [Redacted]
- Witness C – [Redacted]

- Witness D – [Redacted]
- Witness E – [Redacted]
- Witness F – [Redacted]
- Witness G – [Redacted]
- Witness H – [Redacted]
- Witness I – [Redacted]

Decision and reasons

The panel announced its decision and reasons as follows:

Ms Bowen was a Science teacher employed from September 1986 up to July 1988 at Christ College, Finchley, a boys' school ("the School"). Pupil A was a pupil at the School from [Redacted]. Ms Bowen never taught Pupil A other than as a stand-in teacher for another member of staff on two occasions.

[Redacted] Witness J [Redacted] had concerns that a sexual relationship had formed between Pupil A and Ms Bowen and she reported the matter to the School on or around 1988. Pupil A reported an allegation to the police in 2014 that Ms Bowen had commenced a sexual relationship with him whilst he was aged [Redacted] during his time at the School and that sexual activity took place at the home that Ms Bowen occupied and this continued for a short period after Ms Bowen left the School. The police investigation concluded with no further action. Pupil A pursued an unsuccessful appeal of this decision and a judicial review which led to no further criminal law action being taken. Pupil A sent a referral form to the TRA on or around 7 March 2018.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

1. Between September 1986 and July 1988, you engaged in an inappropriate relationship with Pupil A in that on one or more occasions you;

a. met outside of School;

Pupil A's evidence was that he first started talking to Ms Bowen on the bus that they both used to get from school to home. Both would also get off at the same stop and walk down a couple of roads, [Redacted]. Pupil A stated that, on some occasions, he would continue walking with Ms Bowen to her home address, [Redacted]. It was Ms Bowen's case that she rarely left the School at the same time as pupils and her representative submitted it would be impossible for her to do so as a full-time member of teaching staff.

In her witness statement, Ms Bowen stated it was true that she did walk with Pupil A [Redacted] after she bumped into him there when she was on her way to a training day at a school [Redacted]. They walked together for a little while and then they went their separate ways. She also admitted in her oral evidence that she did often speak to Pupil A whilst he was on the bus travelling from School.

In his closing submissions, the presenting officer submitted that Ms Bowen told the police there may have been one or two occasions when she chatted on the bus with Pupil A but in her oral evidence, she stated she would chat to him up to 3 times a week over the course of a [Redacted] bus journey. The panel found that both Pupil A and Ms Bowen encountered each other outside of School when they were on the bus.

In his oral evidence, Pupil A also described one occasion when he was in a café near the School with some school friends. One of Pupil A's friends was showing the others a pornographic magazine. Ms Bowen entered the cafe and saw that Pupil A had grabbed the magazine off his friend and asked to see the magazine. Pupil A further stated that after the other boys left, Ms Bowen started flicking through the magazine and pointed to one of the pictures of a blond woman with blond pubic hair and said words to Pupil A to the effect that the picture in the magazine was what her vagina looked like. Ms Bowen denied this happened in her voluntary interview with the police. Her representative submitted to the panel that Pupil A gave an inconsistent account of this alleged incident on two occasions in his police interview and his TRA statement, in terms of how Ms Bowen interacted with him in front of others and obtained the magazine, which he submitted was evidence that this event did not take place.

In her written statement, Ms Bowen denied this alleged incident took place. She did admit that she may have gone to the café occasionally to buy a sandwich, but she would not have time to sit in a café at lunchtimes.

Pupil A assumed, in his oral evidence, that Ms Bowen had blond pubic hair; when this was challenged by Ms Bowen's representative, Pupil A stated that perhaps Ms Bowen dyed her pubic hair, which was denied by Ms Bowen.

Pupil A further stated, in oral evidence that he met up with Ms Bowen during the summer period in August 1988 and on one occasion went to a house, that Ms Bowen did not reside in. In his witness statement, Pupil A stated that he and Ms Bowen saw each other for the “whole of the school holidays” which the panel considered would extend up to the end of August 1988. Pupil A’s evidence was that [Redacted] he would spend the whole evening with Ms Bowen. However, the panel noted that he stated to the police that the relationship with Ms Bowen lasted up to July 1988.

Witness J [Redacted] stated in her oral evidence [Redacted], she would not see him [Redacted] until he turned up [Redacted] the following morning. Later in his oral evidence, Pupil A stated that he did not see Ms Bowen every day in the summer holidays. Ms Bowen’s representative submitted that the inconsistencies in Pupil A’s various accounts over the length of the alleged relationship with Ms Bowen was evidence of fabrication.

Ms Bowen’s case was that she was abroad in Turkey during the summer of 1988 and could not have met up with Pupil A at all. However, her witness statement stated that she returned from Paris in August 1988. The panel noted there were inconsistencies in Pupil A’s account of when the alleged relationship ended and also in Ms Bowen’s account as to when she was back in the UK. Witness I’s oral evidence was that Ms Bowen went to Paris at the end of August 1988. Witness I gave evidence that he took up residence in Ms Bowen’s former flat when she left it in August and visited her in Paris in mid-October. Ms Bowen came back to the UK in November 1988.

Pupil A further stated in his oral evidence that, at that time, Ms Bowen was a person he confided in, as he needed someone to listen to him and she became his best friend. Pupil A admitted to the panel that he loved Ms Bowen at the time and she told him she loved him. However, he knew that he should not tell others about their relationship which he did out of loyalty to her.

It was Ms Bowen’s case that Pupil A was very forward and confident and approached her first. He had what she called a “thuggish” manner about him, a confident swagger. She believed that Pupil A had a crush on her and she heard that he had been involved in a fight at School which staff talked about in the staff room.

[Redacted]. Witness E stated in his statement that Pupil A was a [Redacted] pupil at the time.

Pupil A further stated in evidence, that he only became forward, and talked to Ms Bowen more, after the incident in the café with the pornographic magazine. He stated that she talked to him differently from how she talked to the other pupils. When questioning Pupil A, Ms Bowen’s representative suggested that it was Pupil A who had become infatuated with

Ms Bowen and that when she left the School, he felt he had lost someone he loved. Pupil A denied this was the case.

The panel noted from the summary of her voluntary interview with the police that Ms Bowen denied all the allegations against her and she described Pupil A as a “pest, a nuisance, someone who was always getting into fights at School” and “generally hassled her...as being besotted with her”. However, when cross examined by the presenting officer, Ms Bowen confirmed that Pupil A was never unpleasant to her and he was friendly. She said that she felt hassled after Pupil A put his foot in her front door but that she did not feel threatened by Pupil A, which appeared to the panel to be inconsistent.

It was submitted by Ms Bowen’s representative that Ms Bowen gave credible evidence. She was a person of good character with an exemplary teaching career and no previous concerns relating to her practice. Whereas it was submitted that Pupil A’s account, due to the various inconsistencies for which, it was submitted, there were no corroborating evidence, was less credible.

Overall, the panel considered allegation 1(a) was proven. Both Pupil A and Ms Bowen’s evidence was consistent in that Pupil A would sit next to her on the bus and Ms Bowen would not mind chatting to him. She also told the panel that he walked with her up to the front door of her home. The panel considered that it was clear that Pupil A and Ms Bowen had met outside of School. The panel was extremely concerned that as a teacher, Ms Bowen was developing an inappropriate relationship with Pupil A by frequently chatting to him on the bus and walking with him near her home. The panel therefore found that Ms Bowen met with Pupil A outside of School on more than one occasion primarily in 1988 which was between September 1986 and July 1988.

c. allowed him to visit your home;

In his witness statement, Pupil A stated that on the first occasion he had walked with Ms Bowen to her home, he was accompanied by another pupil from the School. Initially, Pupil A and the other pupil stood outside the front door, but as Ms Bowen had left the front door open, Pupil A went in, and she agreed he could stay for a cup of tea. The other pupil then left after Pupil A closed the front door. On that occasion, Pupil A’s evidence was that he and Ms Bowen drank tea and smoked cigarettes in the living room. Nothing further happened on that occasion and Pupil A went home afterwards.

In the summary of Ms Bowen’s interview with the police, Ms Bowen stated that no other pupil was present on the single occasion when she walked home with Pupil A. In her oral evidence she said that Pupil A walked down the path with her towards the front door and when they approached her door, he put his foot in the front door when Ms Bowen opened it.

She said she told Pupil A he could not come in, but she did not mind that Pupil A asked to enter as she was having a friendly discussion with him.

Ms Bowen's case is that she never permitted Pupil A to enter her home and never made him a cup of tea in her home.

On the balance of probabilities, the panel considered that Ms Bowen did allow Pupil A to visit her home. She permitted him to walk towards her home and she walked with him down the path towards her front door whilst they were chatting. The panel considered that Ms Bowen could have told Pupil A to leave prior to walking down the path to her front door. Ms Bowen reflected in her oral evidence, that she now regretted not reporting to the School that Pupil A was at her property as his behaviour was inappropriate.

The panel therefore determined that, at least on one occasion, Ms Bowen allowed Pupil A to visit her home and this was an example of Ms Bowen engaging in an inappropriate relationship with Pupil A. Although the exact date of this incident was unclear, the panel was satisfied on the balance of probabilities that it occurred between September 1986 and July 1988, which is the timeframe during which both Pupil A and Ms Bowen were at the School. The panel therefore found allegation 1(c) proven.

d. engaged in sexual activity and or/ conduct of a sexual nature;

In her oral evidence, Ms Bowen stated that she is not a sexually motivated person. [Redacted].

In the police summary document before the panel, Ms Bowen denied all the sexual allegations made by Pupil A stating that they were fantasies fabricated on Pupil A's part as he was besotted with her; Ms Bowen also stated the same in her witness statement provided to the TRA.

In his referral to the National College for Teaching and Leadership (NCTL) (the former name of the TRA), Pupil A mentioned that he engaged in sexual activity in public places with Ms Bowen including on public transport. In his oral evidence, Pupil A stated they had kissed on the bus. However, he did not necessarily regard this as sexual activity. Pupil A also mentioned to the panel that he and Ms Bowen "French kissed" outside the pub where the staff social, referred to in allegation 1(b) took place.

The panel noted that the police spoke to several colleagues of Ms Bowen on or around 2016 or 2017. Several stated that Ms Bowen was "promiscuous" or "flirty". However, two colleagues went further and confirmed that they were aware of rumours circulating that Ms Bowen was having a relationship with a pupil. None could confirm that they had direct knowledge of a relationship between Pupil A and Ms Bowen. One member of staff

commented they would not have been surprised by this. The panel was mindful that all of this evidence was hearsay evidence which had not been tested during the hearing.

Ms Bowen's oral evidence was that she had never heard of any rumours relating to her conduct at the School. Witness E's oral evidence was that at the time when she joined the School, Ms Bowen gained a lot of attention from the male pupils as she was an attractive young woman. Witness E thought it "ridiculous" that she would be interested in a young boy such as Pupil A who had a reputation for fighting in the School and having worked with Ms Bowen, Witness E found her nothing but a "consummate professional".

In his witness statement, Pupil A said that the first time he engaged in sexual activity with Ms Bowen was at her address. Pupil A asked to see Ms Bowen's bedroom and she showed him a small bedroom which contained a single bed which had a mattress on the floor. Ms Bowen's oral evidence was that she had a normal bed in that room, and this was corroborated by Witness B's oral evidence.

Pupil A further stated in his statement that Ms Bowen left her bedroom to fetch tea from downstairs and initially Pupil A and Ms Bowen drank their tea and smoked cigarettes side by side on her bed. It was on this occasion that they started kissing for the first time. They then progressed to removing underwear and Ms Bowen began to [Redacted]. This happened on a number of occasions before they subsequently went on, at a later stage, to have full sexual intercourse.

Pupil A's witness statement then went on to describe the first time Ms Bowen and he had had sex at her address on or around March 1988. They were on the bed and Ms Bowen whilst on top of Pupil A [Redacted]. In his oral evidence Pupil A stated that he was able to remember this level of detail of events, including the layout of Ms Bowen's home and bedroom, as it was the first time, he had had sex. However, Pupil A accepted that the account he had given to the police, as recorded in documents within the bundle, differed in terms of how Ms Bowen's underwear came to be removed. The panel considered Pupil A's account of this sexual incident was credible and any inconsistency relating to the removal of underwear could be explained by the passage of time and these events occurring more than 35 years ago.

Ms Bowen's case was that no sexual activity took place and, moreover, this could not have occurred in March 1988 as Ms Bowen had not moved into the home she rented, that Pupil A claims to have visited, until April 1988.

In his oral evidence, Pupil A stated that Ms Bowen or Pupil A would be on top, or he would be from "behind" during the times they had sexual intercourse. Witness H's oral evidence and his evidence in the bundle indicated [Redacted]. It was also submitted by Ms Bowen's

representative that it would have been impossible for Ms Bowen [Redacted] to have had any intercourse with Pupil A [Redacted].

In his oral evidence and from the footage of his Achieving Best Evidence (ABE) interview with the police, Pupil A stated that on another occasion Ms Bowen gave him oral sex on an empty tube train and they also had sex at another location near Archway that Ms Bowen did not reside in. This was all denied by Ms Bowen. There was no corroborating evidence of Pupil A's account relating to sex taking place on the tube or a sexual encounter taking place at another address in Archway, and as a result the panel did not find, on the balance of probabilities, that it had been proven these alleged sexual encounters took place.

When questioned by Ms Bowen's representative, Pupil A recollected that on one occasion when he was at Ms Bowen's home, the builder or decorator mentioned that he and the other workmen could hear them having sex which he found embarrassing. Ms Bowen denied in her oral evidence that any workmen were present in the house when she lived there. However, she could not recall whether the walls were decorated or not. Witness B's oral evidence was that decorators decorated the property before it was rented. Witness B further stated there was no decorating after people moved out of the property. However, Witness B could not be more precise on dates. The panel considered on the balance of probabilities, that it was proven that a builder or decorator heard Pupil A and Ms Bowen having sexual relations. The panel preferred Pupil A's evidence as he was consistent on this both in his witness statement and during his oral evidence whilst Witness B's evidence was vague.

Taking all of the evidence into account, the panel found Pupil A's account more credible in that some sexual activity took place between Pupil A and Ms Bowen. Pupil A's evidence within the video recording of his ABE interview, his further interview with the police, his TRA statement and in his oral evidence was largely consistent over the sexual activity that happened at Ms Bowen's address. The panel also considered that Pupil A's ability to recall precise details of Ms Bowen's home was evidence that he had been in her home on multiple occasions. Although that alone did not prove sexual activity had occurred, this in the panel's view lent more credibility to Pupil A's account.

The panel found it was more likely than not that, on or around March 1988, Ms Bowen and Pupil A had kissed in her home, had removed their clothes, undertaken mutual masturbation, as described by Pupil A, and that some penetrative sex had taken place. The panel found Ms Bowen to be evasive when asked questions about these incidents and it did not find Ms Bowen's flat denial of sexual activity was credible given the largely consistent accounts that Pupil A had given to the police and the TRA. The panel also considered the account given by staff to the police and the fact that some colleagues thought Ms Bowen had been promiscuous and flirty; this, whilst hearsay evidence, taken together with the panel's other findings, rendered it more likely than not that conduct of a sexual nature had

taken place. The panel found that Ms Bowen engaged in an inappropriate relationship with Pupil A between September 1986 and July 1988. Therefore, allegation 1(d) is found proven.

2. your conduct at Allegation 1 above was sexually motivated.

Pupil A's witness statement indicates that at the end of term in July 1988, Witness J [Redacted] sent him away to stay with Witness K [Redacted] in [Redacted] Witness J [Redacted] confirmed, in her oral evidence this took place at the end of July 1988. She wished to get Pupil A away as she was suspicious of the nature of the relationship between Pupil A and Ms Bowen after her [Redacted] saw them [Redacted] walking towards the station. The record of Witness J [Redacted] statement to the police indicated she was not aware of what kind of relationship had formed between Pupil A and a female teacher. The panel noted the account of a [Redacted] of Pupil A's, that is included in the bundle, which states that he saw Pupil A walking with a female teacher down the road.

During the time that Pupil A was in [Redacted] Pupil A alleges that Ms Bowen rang him every day and would telephone the house. Pupil A could not recall if he mentioned this detail to the police when he was interviewed, however he confirmed, in his oral evidence, that this took place. Witness J [Redacted] said that Witness K [Redacted] told her that a female kept ringing the house constantly and Witness K [Redacted] had spoken to the caller who said she was "Sally-Anne". Pupil A stated that Ms Bowen was lying when she denied she had called him.

In her statement to the police, Witness J [Redacted] stated that she found amongst Pupil A's personal papers a telephone number and the name Bowen, but she could not recall, in her oral evidence, where she found this information and why she concluded that Ms Bowen taught Pupil A. Witness J [Redacted] confirmed in her oral evidence that she telephoned the number and the call was answered by a male. She asked if that male was Ms Bowen's [Redacted] and was he aware that Ms Bowen was having a relationship with [Redacted]. When Ms Bowen came to the phone, Witness J [Redacted] told her that the relationship with Pupil A had to stop and if it did not that Witness J [Redacted] would go to the police. Witness J [Redacted] stated in the record of her interview with the police, that the phone went silent at that point, and she took that silence as an acknowledgement that an inappropriate relationship was taking place. In her witness statement, Ms Bowen denies this took place and claims that Witness J [Redacted] lied about this call.

Pupil A's oral evidence was that Ms Bowen gave him one of the photographs of them together that he and Ms Bowen took in a photobooth. In her statement to the police, Witness J [Redacted] stated that she found photobooth photographs amongst Pupil A's personal items of Pupil A and an older woman, who she assumed was Ms Bowen. In her oral

evidence, she recalled that she had destroyed a photograph. No photobooth photographs were included in the bundle of evidence before the panel.

In her oral evidence, Witness K [Redacted] stated that the fact that Ms Bowen was undertaking an inappropriate relationship with Pupil A was clear because she had obtained the phone number for the [Redacted] that Witness K [Redacted] was residing in at the time that Pupil A came to stay. Witness K [Redacted] evidence was that it would not have been possible to have obtained that number from the phone book in those days. When questioned by Ms Bowen's representative, Witness K [Redacted] stated that her flatmates at the time reported to her that an adult female had rung the house and Witness K [Redacted] also verified this for herself when she picked up the phone before her flatmates on one occasion. Witness K [Redacted] suspected it was a teacher who was ringing to speak to Pupil A and when Witness K [Redacted] asked the caller who was calling, the person said "Sally Anne". Witness K [Redacted] was shocked by this but she said that the caller would not have known she was Pupil A's [Redacted] could not specifically recollect what she said to the caller, but she thought she may have said that she believed the caller was only a few years older than her and she would have no interest in children and so the caller should leave [Redacted] alone. Further in her oral evidence, Witness K [Redacted] stated that when she told Witness J [Redacted] the name of the person that had called, Witness J [Redacted] confirmed that she was the teacher who was in a relationship with Pupil A.

Ms Bowen denies this allegation. However, the consistency in the oral evidence and witness statements provided by Witness J [Redacted] and Witness K [Redacted] made their version of events credible.

It was clear to the panel that Ms Bowen's proven conduct towards Pupil A was sexually motivated. Her decision to allow Pupil A to sit next to her on the bus, walk [Redacted] together, visit her home and have cups of tea and cigarettes with her, was behaviour intended to develop an inappropriate relationship with Pupil A. The panel found that Ms Bowen had allowed Pupil A to kiss her and then engage in sexual activity including masturbation and sexual intercourse. Her multiple calls to Pupil A whilst he was staying with Witness K [Redacted] over the summer holidays was also an example of her sexually motivated behaviour. The panel found allegation 2 proven.

The panel found the following particulars of the allegations against you not proved, for these reasons:

1. Between September 1986 and July 1988, you engaged in an inappropriate relationship with Pupil A in that on one or more occasions you;

b. took him to a pub and purchased him an alcoholic drink;

The panel had regard to the video recording of the ABE interview provided in the TRA's documents during which Pupil A described his relationship with Ms Bowen. He stated during that interview that Ms Bowen insisted on Pupil A accompanying him to a local pub where several of the teachers from the School would be having end of term drinks. Pupil A was reluctant to do so but did meet Ms Bowen at the pub. In his oral evidence Pupil A stated that Ms Bowen told him to attend because she was frustrated at being ostracised by the rest of the staff in the staff room at the School, so she wanted them to know about her relationship with Pupil A. This allegation is denied by Ms Bowen.

In his witness statement, Pupil A stated that this took place in late July 1988 and Ms Bowen seemed to want the other staff to find out about their relationship, and she told him it did not matter as she was not returning to the School.

In his oral evidence, Pupil A stated he sat with Ms Bowen most of the evening and she bought him a coca cola and allowed him to drink alcohol from her glass in front of other teachers. One of the teachers spoke to Ms Bowen and said that she should make sure she got Pupil A home safely seeing he had stayed out late. Pupil A's oral evidence was that Ms Bowen did accompany him home. Ms Bowen's oral evidence was that she spoke to Pupil A outside the pub that night on the pavement. Ms Bowen stated she left the pub to catch the bus home and she did not go anywhere with him. One of the teachers at the pub, when interviewed by the police, recalled that he did not see Pupil A inside the pub but saw him outside speaking to Ms Bowen.

When questioned by Ms Bowen's representative, Pupil A confirmed that the accounts given to the police, by other teachers who were at the pub, may have differed given the passage of time and it is possible that one member of staff had not seen Pupil A as he was in the back bar of the pub.

When giving oral evidence, Ms Bowen stated that it was common knowledge that the staff would meet at that particular pub and that could explain how Pupil A would have known about it. In her statement to the police, Ms Bowen stated that Pupil A told her that he was going to the pub with his mates. In her oral evidence, she said that she told Pupil A not to turn up as the get together was for teachers not students.

Taking all the evidence into account, the panel was not satisfied that the TRA had proved, on the balance of probabilities, that Ms Bowen took Pupil A to the pub or that she had purchased for him an alcoholic drink. The panel did not consider it was more likely than not that the facts of allegation 1(b) occurred. As a result, the panel found allegation 1(b) not proven.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

Neither the presenting officer nor the teacher’s representative drew the panel’s attention to the Teachers’ Standards in their closing submissions. However, as the factual particulars of the allegations against Ms Bowen occurred at a time when the Teachers’ Standards were not in force, the panel sought legal advice from the legal advisor on whether it was appropriate to consider them at this stage of the proceedings.

The advice from the legal advisor was that the Teacher’s Standards, which came into force in 2012, should not be applied retrospectively to a teacher’s alleged conduct that took place prior to 2012. The panel should instead draw upon its own knowledge and experience of the teaching profession as to the standards that were in force at the time, in terms of what was considered acceptable and not acceptable standards of behaviour towards pupils.

The panel is mindful that this was conduct that happened a number of years ago, and in some circumstances, holding teachers to the standards that are in place today, could lead to an injustice or offend the rules of natural justice. That is not the position in Ms Bowen’s case. Ms Bowen’s conduct fell significantly short of the expected standards of a teacher, on or around [Redacted], even considering the passage of time.

In the panel’s experience, there was greater awareness towards the end of the 1980s of the voice of a child, but the principle of appropriate professional boundaries has always been a part of the teaching profession. Furthermore, whilst the principles of safeguarding had not been defined at that time, the concept of *in loco parentis* enshrined within the education system has always included an expectation on teachers to act, as a parent would, to take steps to keep children safe.

The panel considered that, if it were only alleged that Ms Bowen met with Pupil A outside of School and had allowed him to attend her home, this may not have been considered unacceptable professional behaviour in the 1980s. However, the panel found that all of the conduct particularised in allegations 1(a), 1(c) and 1(d) resulted in Ms Bowen engaging in sexually motivated behaviour towards Pupil A as alleged in allegation 2. Therefore, the

panel was satisfied that the conduct of Ms Bowen amounted to misconduct of the most serious nature.

Engaging in conduct of a sexual nature leading to sexual activity, in terms of kissing and sexual intercourse with Pupil A, fell significantly short of the acceptable standards of behaviour expected of teachers during the 1980s. It was the panel's view that Ms Bowen's conduct was potentially unlawful and at no point in the history of the teaching profession has it been appropriate for teachers to engage in sexual activity with pupils. Ms Bowen's behaviour crossed the appropriate professional boundaries in place. The panel noted Pupil A was aged only [Redacted] at that time.

The panel noted the presenting officer's closing submissions that even though Pupil A may have appeared at times, during the hearing, abrasive or distrustful of the line of questioning undertaken by the teacher's representative, the panel needed to be mindful that Pupil A was the victim of sexual misconduct. Pupil A had previously raised this matter with the police and the NCTL over the last decade. Despite this, the panel found Pupil A's testimony credible and any internal inconsistencies could be justified or explained by the passage of time. The panel noted that Pupil A bore no animosity towards Ms Bowen.

The panel also considered whether Ms Bowen's conduct displayed behaviours associated with any of the offences listed on pages 12 to 14 of the Advice. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found sexual activity was relevant based on its findings relating to both allegations 1(d) and 2. The panel considered that Ms Bowen engaged in a pattern of behaviour that sought to cultivate an inappropriate relationship with Pupil A exploiting her position of power as a teacher.

The panel noted all the allegations took place outside the education setting. Ms Bowen's conduct towards Pupil A undoubtedly led to him being exposed to harmful sexual behaviour which not only affected him in terms of his adult life [Redacted], both at the time and continuing to the present day. Ms Bowen failed to adhere to the expectation that she should act *in loco parentis* and take steps to keep Pupil A safe. Ms Bowen's behaviour was not that expected of a role model.

Accordingly, the panel was satisfied that Ms Bowen was guilty of unacceptable professional conduct.

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 would

have held in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel's findings of misconduct are serious. Ms Bowen engaged in sexual activity with a child which would have a negative impact on Ms Bowen's reputation as a teacher. This would also undoubtedly damage the public perception of the profession as parents, pupils and the public would expect that teachers do not engage in sexual acts with pupils. It appeared to the panel that Ms Bowen did not have the best interest of Pupil A at heart, she was motivated by the desire to seek her own sexual gratification.

The panel therefore found that Ms Bowen's actions constituted conduct that may bring the profession into disrepute.

Having found the factual particulars of allegations 1(a), 1(c), 1(d) and 2 proved, the panel further found that Ms Bowen's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found a number of them to be relevant in this case, namely: the protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel found that Ms Bowen engaged in sexually motivated behaviour and sexual activity with Pupil A when he was aged only [Redacted]. As a result, there was a strong public interest consideration in respect of the protection of pupils.

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

The panel considered whether there was a public interest consideration in retaining Ms Bowen in the profession, since no doubt had been cast upon her abilities as an educator. However, in the panel's view, the serious sexual nature of her misconduct, even though it was committed more than [Redacted], rendered her behaviour fundamentally incompatible with the behaviour expected of a teacher. Such sexual misconduct would have been just as inappropriate in the 1980s as it is today.

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 Ms Bowen.

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 Ms Bowen. 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:

- misconduct seriously affecting the...well-being of pupils,....;
- abuse of position or trust (particularly involving 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, e.g. 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;

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

The panel noted that Ms Bowen had subsequently had a very positive teaching record and the presenting officer confirmed that there were no previous disciplinary orders or findings against her. The multiple character statements from individuals who had not been called to

give oral evidence presented Ms Bowen as an honest, reliable and hardworking teacher who was aware of her professional boundaries. Through her extensive knowledge of her subject, she made lessons interesting and created a positive atmosphere in the classroom.

However, the panel found that Ms Bowen's sexually motivated behaviour was deliberate and, in its view, there was no evidence of any duress that affected her behaviour. The panel found Ms Bowen's actions to be calculated and motivated and that she could have discontinued the inappropriate relationship during the Spring or Summer of 1988 but chose not to do so.

In light of this, 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 Ms Bowen 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 Ms Bowen. Her repeated sexually motivated behaviour towards Pupil A, as particularised under allegation 1(a), 1(c) and 1(d) 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 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, which 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 serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel found that Ms Bowen used her role as a teacher to influence Pupil A and exploit him for her own sexual gratification. It was clear to the panel both from Pupil A and Witness J [Redacted] oral evidence that Ms Bowen's behaviour had detrimentally affected and harmed Pupil A in that

he believed that she loved him. Witness J [Redacted] considered that Ms Bowen's conduct had impacted on Witness J [Redacted] relationship with Pupil A which had deteriorated thereafter. Pupil A was candid during his ABE interview with the police and in his oral evidence before the panel that he believed that Ms Bowen loved him but over time he had come to realise how negatively her behaviour had impacted upon him.

The panel considered that Ms Bowen demonstrated no insight into the inappropriateness of her behaviour and the impact on Pupil A.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided to recommend a prohibition order without provisions for a review period. The panel determined this would be proportionate, in all the circumstances, given Ms Bowen's behaviour amounted to misconduct of the most serious nature, sexual activity with a child.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found one of the allegations not proven (Allegation 1b). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Ms Sally-Anne Bowen should be the subject of a prohibition order, with no provision for a review period.

The panel note that this misconduct found was committed prior to the introduction of the Teacher Standards. However, it is also clear in its view that Ms Bowen's conduct fell significantly short of the expected standards of a teacher, on or around [Redacted], even considering the passage of time.

The findings of misconduct are particularly serious as they include sexual activity with a pupil.

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 Ms Bowen, 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, "However, the panel found that Ms Bowen's sexually motivated behaviour was deliberate and, in its view, there was no evidence of any duress that affected her behaviour. The panel found Ms Bowen's actions to be calculated and motivated and that she could have discontinued the inappropriate relationship during the Spring or Summer of 1988 but chose not to do so." A prohibition order would therefore prevent such a risk of repetition of such behaviour 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 considered that Ms Bowen demonstrated no insight into the inappropriateness of her behaviour and the impact on Pupil A." In my judgement, this lack of 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, "The panel's findings of misconduct are serious. Ms Bowen engaged in sexual activity with a child which would have a negative impact on Ms Bowen's reputation as a teacher. This would also undoubtedly damage the public perception of the profession as parents, pupils and the public would expect that teachers do not engage in sexual acts with pupils. It appeared to the panel that Ms Bowen did not have the best interest of Pupil A at heart, she was motivated by the desire to seek her own sexual gratification." I am particularly mindful of the finding of sexual activity with a pupil in this case and the very serious negative impact that such a finding 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 and/or 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 Ms Bowen herself. The panel record that it “...noted that Ms Bowen had subsequently had a very positive teaching record and the presenting officer confirmed that there were no previous disciplinary orders or findings against her. The multiple character statements from individuals who had not been called to give oral evidence presented Ms Bowen as an honest, reliable and hardworking teacher who was aware of her professional boundaries. Through her extensive knowledge of her subject, she made lessons interesting and created a positive atmosphere in the classroom.”

A prohibition order would prevent Ms Bowen from teaching. A prohibition order would also clearly deprive the public of her 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 very serious nature of the misconduct found as well as the lack of insight from Ms Bowen into her own behaviour and its impact.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Bowen 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 and the serious nature of the misconduct found 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 has referred to the Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons,

particularly where the individual has used their professional position to influence or exploit a person or persons.

I have considered the panel's conclusion that "...the findings indicated a situation in which a review period would not be appropriate and, as such, decided to recommend a prohibition order without provisions for a review period. The panel determined this would be proportionate, in all the circumstances, given Ms Bowen's behaviour amounted to misconduct of the most serious nature, sexual activity with 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. These elements are the very serious nature of the misconduct found and the lack of evidence of insight and/or remorse.

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 Ms Sally-Anne Bowen 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 her, I have decided that Ms Bowen shall not be entitled to apply for restoration of her eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Ms Bowen has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'M. Cavey', written over a horizontal line.

Decision maker: Marc Cavey

Date: 21 December 2023

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