



Teaching
Regulation
Agency

Mr Simon Evans: 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: Mr Simon Evans

TRA reference: 18964

Date of determination: 30 November 2023

Former employer: Great Ashton Academy, Ashton-under-Lyne

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 to 30 November 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Simon Evans.

The panel members were Dr Martin Coles (former teacher panellist – in the chair), Ms Julia Hyde (teacher panellist) and Mrs Pamela Thompson (lay panellist).

The legal adviser to the panel was Miss Shanie Probert of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Heather Andersen of Browne Jacobson LLP solicitors.

Mr Evans was present and was represented by Mr Jonathan Storey, Counsel of Cornwall Street Barristers.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 26 October 2023:

It was alleged that Mr Evans was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed as an English Teacher / Head of Year at Great Ashton Academy, he:

- 1) failed to maintain appropriate boundaries with Pupil A from December 2018 to September 2019, in that he:
 - a. engaged in an inappropriate email exchange with Pupil A;
 - b. used one or more code words to communicate with Pupil A, such as 'grapes', which Pupil A stated was to represent the comment 'I [love] you loads thank you for everything', or a comment to this effect;
 - c. in or around June 2019, provided Pupil A with his personal mobile phone number;
 - d. gave Pupil A a Dictaphone which contained one or more inappropriate audio messages, including audio messages in which he described his feelings towards Pupil A.
- 2) misled the school as to the nature of his relationship with Pupil A and/or the extent of his contact with Pupil A, including by:
 - a. failing to disclose to the school his conduct at allegations 1a-1d above:
 - i. in respect of 1.a) from in or around December 2018 until in or around September 2019;
 - ii. in respect of 1.b) from on or around 27 February 2019 until in or around September 2019;
 - iii. in respect of 1.c) from in or around June 2019 until in or around September 2019;
 - iv. in respect of 1.d) from in or around June 2019 until in or around September 2019;
 - b. failing to copy in the Designated Safeguarding Lead to all emails with Pupil A, as he was instructed to do so in or around May 2018 and in or around March 2019;
 - c. emailing the school's Principal on 5 August 2019, stating that 'her [Pupil A's] emails have completely dropped off in terms of frequency, length and intensity', when this was not the case.
- 3) failed to notify the Designated Safeguarding Officer and/or failed to input entries on [REDACTED] when Pupil A made comments to him which demonstrated that she

had feelings for him and/or comments which demonstrated that her well-being was at risk, including the following comments:

- a. 'I love listening to you and anything you tell me, so no you are never burdening me I love listening to you as well as talking. I love you!', which was a comment made by Pupil A to him on 1 March 2019;
- b. 'I love you so very much', which was a comment made by Pupil A to him on 12 March 2019;
- c. 'I'll miss my two favourite people...(you're one of them). You're a darling aren't you... you're slowly well surely are you filling that part up for me... I really really think so highly of you and I love you very much! You fill up so many holes', which was a comment made by Pupil A to him on 14 March 2019;
- d. 'I love you too', which was a comment made by Pupil A to him on 16 June 2019;
- e. 'Miss youuuu', which was a comment made by Pupil A to him on 3 August 2019;
- f. 'Missed you tons!!', which was a comment made by Pupil A to him on 1 September 2019;
- g. 'I am failing... I thought living was pointless which it is and I'm just sick tired of it.. I've just kind of lost hope', which was a comment made by Pupil A to him on 12 March 2019;
- h. 'I don't deserve you or [REDACTED] or anyone as good as youse , I just disappoint', which was a comment made by Pupil A to him on 12 June 2019;
- i. 'I feel terrible about everything. Like I'm just very unhappy at the moment... I always feel lonely', which was a comment made by Pupil A to him on 13 June 2019;
- j. 'I'm kind of sliding past the limit lines', which was a comment made by Pupil A to him on 20 July 2019;
- k. 'I'm in abit I'd [sic] a crisis', which was a comment made by Pupil A to him on 31 July 2019.

4) His conduct as may be found proven at Allegations 1b, 1c, 1d and/or 2 and/or 3 was dishonest and/or demonstrated a lack of integrity.

The following allegations were admitted by Mr Evans: Allegations 1.a), 1.c), 1.d), Allegations 2.a(i), 2.a(iii), 2.a(iv), and Allegation 3(a)-(k).

Allegations 1.b) as worded in the notice of proceedings dated 26 October 2023 was not admitted. Allegations 2.a(ii) and 2.c) were not admitted.

Allegation 4 was partially admitted by Mr Evans insofar as it was admitted that his conduct at Allegation 2 lacked integrity. However, the remainder of Allegation 4 was not admitted.

For those allegations that were admitted, Mr Evans accepted that those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Excluding the public

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession dated April 2018 (the "Procedures") to exclude the public from all or part of the hearing. This followed a request by the teacher that part of the hearing should be in private.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the that the request for the hearing to be heard in private is a reasonable one, given concerns about confidential matters relating to the teacher's health being placed in the public domain.

In this case, the panel also considered that matters relating to the teacher's health could be dealt with separately from other non-health-related factual matters, and therefore, it would be appropriate and practicable to exclude the public from parts of the hearing only.

The panel had regard to whether the teacher's request ran contrary to the public interest. The panel noted that it would be required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel also noted that in the event that the case continued, any decision of the Secretary of State would also be in public. The panel considered that in the circumstances of this case, the public interest would be satisfied by these public announcements. Those public announcements would ensure that public confidence in these proceedings and in the standards of the profession are maintained.

Therefore, the panel determined to exercise its discretion under paragraph 11(3)(b) of the Regulations, and the second bullet point of paragraph 4.57 of the Procedures, and agreed that the public could be excluded from the hearing in part insofar as those parts dealt with confidential matters relating to the teacher's health only, and that the remainder of the hearing (that did not deal with confidential matters relating to the teacher's health) would be heard in public.

Amending the allegations

Whilst an application was not made at the outset of the hearing, a request was made by the teacher's representative as part of his closing submissions for the panel to amend the notice of proceedings by: removing the term "[love]" from allegation 1.b). The panel noted that it had the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved. The panel therefore considered this request before it moved on to deliberate and make a decision as to whether the facts of the case had been proved.

The panel considered the representations made by the teacher's representative and also the presenting officer. The panel noted that the presenting officer opposed the application, mainly on the ground that the request for an amendment had been made unexpectedly as part of the teacher's representative's closing submissions and therefore she had not had the opportunity to obtain instructions in order to respond. In the absence of any instructions, the presenting officer could only oppose the request.

The panel considered that the amendment proposed did change the nature and seriousness of the allegations, but also noted that it did so in favour of the teacher. The panel considered that the inclusion of "[love]" as part of allegation 1.b) had implied that the term "love" had been inadvertently missed by Pupil A in the quotation that was provided as part of the allegation. However, the panel noted that this interpretation had not been confirmed as factually correct, either by Pupil A or any other evidence before the panel. Whilst the panel were concerned that the request was made at such a late stage of the hearing, it also considered that the amendment was in fact fairer to the teacher, as it ensured that there would be no prejudice caused to him when the panel moved on to consider the allegations in full.

Therefore, the panel decided to amend the allegation as proposed, before it went on to make its decision about whether the facts of the case had been proved.

Witnesses to give evidence by Microsoft Teams

Whilst a formal application was not made at the outset of the hearing, the panel heard a request from the teacher's representative that Witnesses C, D and E be permitted to give oral evidence by Microsoft Teams. The panel had also heard from the teacher's representative that this arrangement had previously been agreed by the TRA when the hearing was initially listed to take place in March 2023. The panel noted that there was no objection from the presenting officer to this request.

The witnesses were not child or vulnerable witnesses for the purposes of paragraph 4.71 of the Procedures and therefore this was not a request for special measures to be adopted.

Paragraph 4.49 of the Procedures provides that the procedures at the hearing will be determined by the chair. The panel considered its obligation to ensure that the teacher was not put at an unfair disadvantage, balanced against its duty in the public interest to investigate the allegations insofar as it is possible to do so, consistent with fairness to Mr Evans. The panel took into account that there may be subtleties of tone or body language that may be lost via the medium of video link, but was satisfied that such factors could be taken into account by the panel when assessing the weight it attributed to such evidence.

The panel noted that these witnesses were character witnesses rather than witnesses of fact. Therefore, the panel exercised its discretion and permitted the evidence of Witnesses C, D and E to be given by Microsoft Teams.

Additional document to be added to the bundle

Whilst a formal application was not made, the panel received a request from the teacher's representative at the start of the hearing for an additional single-page document to be placed into the hearing bundle. The panel noted from the teacher's representative that this document was correctly served in accordance with the requirements of paragraph 4.20 of the Procedures, and therefore it was not a "late document" as it was simply omitted from the hearing bundle in error. The presenting officer did not raise any objections to the document being correctly added to the bundle.

The panel agreed to add the document to the end of the hearing bundle at page 565.

Summary of evidence

Documents

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

Section 1: Anonymised pupil list – page 6

Section 2: Notices and responses – pages 8 to 18

Section 3: Teaching Regulation Agency witness statements – pages 20 to 66

Section 4: Teaching Regulation Agency documents – pages 68 to 353

Section 5: Teacher documents – pages 355 to 564

In addition, the panel had sight of the additional single-page document, that was originally omitted from the hearing bundle in error, which was added to the hearing bundle at page 565.

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, who were called by the Presenting Officer:

1. Witness A: [REDACTED]; and
2. Witness B: [REDACTED].

In addition, the panel heard oral evidence from the teacher at the hearing.

The panel also heard oral evidence from the following witnesses, who were called by the teacher:

1. Witness C: [REDACTED];
2. Witness D: [REDACTED]; and
3. Witness E: [REDACTED].

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 1 September 2014, Mr Evans commenced his employment at Great Ashton Academy (“the School”) as an English Teacher. On 1 September 2018, Mr Evans was promoted to Head of Year at the School.

Pupil A was a [REDACTED] student in Mr Evans’ [REDACTED] class at the time of the alleged conduct. Pupil A was considered to be a [REDACTED].

In or around May 2018, Mr Evans had spoken to Witness A in relation to a task that Pupil A had been assigned for her [REDACTED], which had involved the need to make a speech. As part of this assessment, Mr Evans informed Witness A that Pupil A had wanted to discuss [REDACTED], and that she had begun to tell Mr Evans about [REDACTED]. Mr Evans had asked Witness A if it was appropriate for Pupil A to choose this topic for her assessment. Witness A confirmed that this was fine. In addition to this, Mr Evans had stated to Witness A that Pupil A was going to email him regarding this piece of work. Witness A accepted this but had instructed Mr Evans verbally to copy another staff member into all communications with Pupil A. Mr Evans copied Witness A into his response to Pupil A about the task on 25 May 2018. Mr Evans also recorded details of this exchange on [REDACTED].

On Sunday 17 March 2019, Mr Evans sent a text message to Witness A to request a telephone call. A telephone call took place on the same day, and during that call, Mr Evans expressed concerns about his email communications with Pupil A which had

appeared to go beyond typical teacher-pupil communication, as he and Pupil A had been frequently emailing each other late at night.

A follow-up meeting took place between Mr Evans, Witness A and Pupil A. Mr Evans logged this on [REDACTED] on 19 March 2019. It was agreed that to safeguard all parties, the volume of emails being sent to Mr Evans needed to reduce and that future conversations between Pupil A and Mr Evans should take place in The Street (which was a communal area in the School which had a lot of footfall during the day).

On 30 March 2019, Mr Evans approached Witness A about Pupil A's forthcoming [REDACTED], where Pupil A was [REDACTED]. Mr Evans raised concerns in relation to [REDACTED]. It was agreed by Witness A that Pupil A could be given permission to contact Mr Evans if there were any problems. Witness A instructed Mr Evans to copy her into all emails to Pupil A. There were some messages exchanged between Mr Evans and Pupil A during Pupil A's [REDACTED], which Witness A was copied in to.

In the summer term of 2019, following a meeting between Mr Evans, Witness A and Witness B, it was agreed that Pupil A, [REDACTED], could return to the School on at least one occasion following [REDACTED]. During this meeting it was agreed that Mr Evans would encourage a distance between himself and Pupil A so that she was not dependent upon his support.

In September 2019, safeguarding training was provided to all staff. After this training, Mr Evans had approached Witness B and informed her that he had given his personal mobile phone number to Pupil A before the summer. Following this self-report, the School appointed an Investigating Officer to commence an investigation into Mr Evans' contact with Pupil A, which had included a review of the emails between them.

Following the investigation, a disciplinary hearing took place on 14 November 2019. Mr Evans was dismissed with immediate effect on 22 November 2019.

On 5 December 2019, Mr Evans was referred to the TRA.

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 unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as an English Teacher / Head of Year at Great Ashton Academy, you:

- 1) failed to maintain appropriate professional boundaries with Pupil A from December 2018 to September 2019, in that you:**

a.engaged in an appropriate email exchange with Pupil;

The panel noted that this allegation was admitted by Mr Evans.

The panel also had sight of a number of emails sent between Pupil A and Mr Evans between December 2018 and September 2019. The panel felt that these emails were excessive in number. For example there were 144 pages of emails between Mr Evans and Pupil A between 1 February 2019 and 3 September 2019 alone.

The panel was also of the view that the content went beyond usual appropriate professional boundaries that would be expected in a pupil-teacher relationship. In particular, the panel felt that the emails went beyond school-related issues and strayed into the personal lives of both Mr Evans and Pupil A which was not warranted. There were emails where both Pupil A and Mr Evans would discuss Pupil A's personal relationships, [REDACTED]. Mr Evans would also provide details of his own social life and plans outside of school. Mr Evans had also provided song recommendations and a YouTube video link to Pupil A for her to listen to and watch. There were also emails that discussed the possibility of Mr Evans and Pupil A having contact and continuing a relationship in the future once Pupil A had left school. The panel noted that Mr Evans had also accepted that the emails were not appropriate in content.

The panel heard from Mr Evans that his intention behind sending these emails to Pupil A was to provide her with reassurance and support at [REDACTED], as Pupil A had indicated that she felt that she could rely on and confide in Mr Evans about the [REDACTED]. Mr Evans stated that he did not intend to establish an inappropriate relationship with Pupil A or intend to overstep any professional boundaries. However the situation had got out of hand. Whilst the panel accepted Mr Evans' explanation, the panel still felt that the contents of the emails went beyond the boundaries of pastoral advice. Therefore Mr Evans had failed to maintain appropriate boundaries.

The panel found this allegation proven.

1) failed to maintain appropriate professional boundaries with Pupil A from December 2018 to September 2019, in that you:

b. used one or more code words to communicate with Pupil A, such as 'grapes', which Pupil A stated was to represent the comment 'I you loads thank you for everything', or a comment to this effect;

The panel considered this allegation, as amended, following an application made by the teacher's representative. The panel noted that in its amended form, the allegation was admitted by Mr Evans.

The panel had sight of an email dated 27 February 2019 from Pupil A to Mr Evans which stated: "Also , my code word for 'I you loads Thankyou for everything' is grapes ,just grapes. Might change it if I find a better code word but grapes is fab for nowww." The panel also had sight of Mr Evans' response to Pupil A on the same date, which included

the words: “Grapes to you too.” The panel had sight of various emails in the bundle between Mr Evans and Pupil A, in which the term “Grapes” would be used. In particular, Mr Evans would often sign off his emails sometimes using only the term “Grapes”.

During his testimony, the panel heard from Mr Evans that he used the term “Grapes” as a term of convenience, and as a shorthand way of saying to Pupil A that “you’ve got my support and will continue to have it”. Mr Evans stated that he had interpreted Pupil A’s use of the word “Grapes” to mean that she was thanking him for all of his support rather than expressing any feelings towards him. Mr Evans stated that he adopted the use of the term “Grapes” in a caring and supportive manner, as opposed to trying to adopt a secretive code word. Mr Evans also stated that after a while, it had become more of an affectionate way of signing off his email to her rather than having a defined meaning in and of itself.

The panel noted that there was no witness evidence from Pupil A to confirm the intended meaning behind the use of the word “Grapes”. The panel also noted that neither Witnesses A or B were able to confirm what they had known “Grapes” to mean beyond the explanation contained in Pupil A’s email to Mr Evans dated 27 February 2019.

Whilst the panel therefore accepted Mr Evans’ explanation for the use of the word “Grapes”, the panel was also of the view that using such an “inside” phrase with a pupil is not an appropriate professional activity. The panel considered that the use of the word “Grapes” did create a secret language between Pupil A and Mr Evans which should not have been used, and that the impact of this was that it created an inappropriate intimacy between Pupil A and Mr Evans, regardless of Mr Evans’ own intentions.

The panel therefore found this allegation proven.

1) failed to maintain appropriate professional boundaries with Pupil A from December 2018 to September 2019, in that you:

c.in or around June 2019, provided Pupil A with your personal mobile phone number;

The panel noted that this allegation was admitted by Mr Evans.

Mr Evans explained that he had given his telephone number to Pupil A in or around June 2019, following a previous incident that had involved an email from Pupil A to Mr Evans informing him that she was intending to visit a [REDACTED], and that she was going to lie about this to her mother. For context, Mr Evans had raised this as a safeguarding concern with Witness A, and upon advice from Witness A, had informed Pupil A that she needed to disclose the truth to her mother, as otherwise, the School would be doing so. Pupil A therefore informed her mother and did [REDACTED]. In his evidence, Mr Evans stated that sometime after this, he gave Pupil A his personal mobile phone number and instructed Pupil A that this was only for emergency use.

Mr Evans stated that the sole purpose for this was out of concern for Pupil A's safety and not to advance an inappropriate relationship.

Mr Evans also stated that he never communicated with Pupil A via text message. Mr Evans did admit that Pupil A had sent him one text message on his birthday, but that he did not respond.

The panel recognised that there was no evidence to suggest that Mr Evans did communicate with Pupil A via text message and accepted Mr Evans' explanation for providing his personal mobile phone number to Pupil A. However, the panel noted that he had still provided Pupil A with the opportunity to contact him on a personal phone number, which it felt was completely inappropriate for a teacher. The panel also noted that this encouraged Pupil A's dependency on Mr Evans. The panel therefore found that Mr Evans had failed to maintain an appropriate professional boundary with Pupil A, by providing her with his personal mobile phone number.

The panel found this allegation proven.

1) failed to maintain appropriate professional boundaries with Pupil A from December 2018 to September 2019, in that you:

d. gave Pupil A a Dictaphone which contained one or more inappropriate audio messages, including audio messages in which you described your feelings towards Pupil A.

The panel noted that this allegation was admitted by Mr Evans.

The panel also had sight of the transcripts of the two Dictaphone messages that Mr Evans had made for Pupil A. The first Dictaphone message was provided for Eid al-Fitr on 5 June 2019, which contained the following audio messages:

- i. "Erm, you know, I wish you were my daughter; I really do, erm, and, you know, because I would be sort of saying to all my friends and- and other people that I know, you know, what an amazing young lady you are, really, erm, and, you know, listing all the fantastic qualities that you- you- you've got, erm, and- and on top of those qualities, you know, you've never ever let me down or disappointed me ...";
- ii. "... I, you know, am very, very attached to- to you, erm, and that, erm you know, I'm really, really gonna miss seeing you every day ..."; and
- iii. "... I kind of think of you now as, you know, being my <laughing> daughter and stuff...".

The second Dictaphone message was provided for Father's Day on 16 June 2019, and contained the following audio messages:

- i. "... I suppose, the important thing to say is I'm gutted that I cannot see you today. Erm, I really, really would like to be able to drive round to your house and knock on your door and say, 'Let's go and do something.' Erm, unfortunately, we can't, erm,

and I hope you know that's not in my control, erm, and that I think, like we said the other day, let's see it as an investment. So, we don't do anything this year, but we will do something in future Father's Days, erm, and I really want to do that, and I hope you do too.";

- ii. "Erm, so this first list is ten reasons why you deserve to be the centre of my attention, and why I care so much about you, erm ... I 've known you for 5 years; I wanna know you for the next 25 years – excuse me – the next 35 years; the next 45 years; erm, and these are ten reasons why, erm, I want to do that."; and
- iii. "... I'm looking forward to spending future Father's Days with you, erm, especially in about 10 or 15 years' time, when I know that you're gonna have a really, really good job and a really, really successful life and therefore you can treat me to something properly lavish."

The second Dictaphone message in particular had listed a number of future events in Pupil A's life that Mr Evans had envisioned himself being a part of, for example: teaching Pupil A to drive; Pupil A's [REDACTED]; taking Pupil A to visit universities; Pupil A's wedding day and meeting Pupil A's children. The panel felt that this had clearly surpassed the appropriate professional boundaries that a teacher should maintain with a pupil.

The panel had heard from Mr Evans how he believed that [REDACTED] day for Pupil A. Mr Evans explained how he had left the Dictaphone messages to Pupil A in order to offer her support and to show her that he cared about her. Mr Evans also explained that he had felt that he had a genuine commitment to help and support Pupil A, and that this commitment had superseded any other feelings about whether or not it was wrong to make the recordings for Pupil A. Mr Evans accepted that he thought of Pupil A as a daughter, but that he had since recognised that attempting to step into the role as father was not practicable, sustainable, professional or appropriate.

The panel had also heard how any reference to Mr Evans' feelings towards Pupil A related to Mr Evans caring for Pupil A in a fatherly manner, as opposed to him having any romantic feelings towards her. The panel accepted this.

The panel accepted that Mr Evans had a genuine intention to support Pupil A when making the Dictaphone messages and that at the time, Mr Evans had felt that his actions were appropriate in light of the fatherly role he was trying to undertake. However, the panel also felt that the content and language used in some parts of the messages were so intense that it had gone beyond that typically used in a father-daughter relationship.

The panel separately noted that references to future events in the audio messages had also demonstrated an intention on Mr Evans' part to extend the relationship (in a father-daughter capacity). The panel also noted how Mr Evans had accepted that he could now see how his conduct in providing the Dictaphone messages was potentially damaging to Pupil A, and the panel agreed with Mr Evans' assessment.

Therefore the panel found the allegation proven.

2) misled the school as to the nature of your relationship with Pupil A and/or the extent of your contact with Pupil A, including by:

a. failing to disclose to the school your conduct at allegations 1a-1d above:

i. in respect of 1.a) from in or around December 2018 until in or around September 2019;

The panel noted that this allegation was admitted by Mr Evans.

The panel had heard from Mr Evans how, during a telephone call on 17 March 2019, he had explained to Witness A that he had engaged in an extensive email exchange with Pupil A, which had included emails being sent late at night. In his evidence, Mr Evans stated that he had made Witness A aware of the nature of those messages, including that there had been a number of messages and that Pupil A had told him that she loved him like a father.

However, the panel also heard from Mr Evans that he did not disclose the specific content of the email correspondence nor did he provide copies of the correspondence to Witness A for her own review.

The panel also heard from Witness A, who confirmed that she could recall the telephone exchange with Mr Evans on 17 March 2019, in relation to his emails with Pupil A. In particular, Witness A recalled how Mr Evans had expressed concerns that he was crossing the line. He had been emailing Pupil A and he was concerned that these emails were being sent late at night, and he felt he needed to draw a line under it. Witness A could not recall Mr Evans disclosing the particular content of those emails, but she confirmed that Mr Evans had copied her into a number of emails with Pupil A following this discussion.

The panel also heard from Witness B who could not recall being informed of the content of the email exchanges between Mr Evans and Pupil A. The panel noted that Witness B's recollection of events did not always corroborate that of Witness A and/or Mr Evans. The panel also considered that this was likely due to the length of time that had passed since the incident and therefore carefully considered the impact that this had on the fairness to Mr Evans.

The panel felt that whilst Mr Evans did disclose details of an email exchange with Pupil A to Witness A, he had still failed to properly disclose the full extent of this email exchange. For example, the panel noted that whilst Mr Evans had copied Witness A into some of his emails with Pupil A (following Witness A's prior instructions), he had only copied her into some of the less intense emails that were school and work related. The panel noted that Mr Evans excluded Witness A from emails that strayed beyond the boundaries of discussing school or work. The panel felt that in failing to disclose the full content of all of

the emails with Pupil A, Mr Evans had misled the school as to the nature of the extent of his relationship and contact with Pupil A.

The panel therefore found this allegation proven.

2) misled the school as to the nature of your relationship with Pupil A and/or the extent of your contact with Pupil A, including by:

a. failing to disclose to the school your conduct at allegations 1a-1d above:

ii. in respect of 1.b) from on or around 27 February 2019 until in or around September 2019;

The panel noted that on the basis that allegation 1.b) had been admitted as amended, that this allegation was admitted by Mr Evans.

The panel noted that following instructions from Witness A, Mr Evans had started to copy her into his emails with Pupil A. There are three of these emails that refer to the term “*Grapes*”, as follows:

- i. An email dated 17 March 2019 from Mr Evans to Pupil A, which included a sign-off of: “*Grapes!*”;
- ii. An email dated 1 April 2019 from Mr Evans to Pupil A, which included: “... I also had some pineapple earlier (plus you know I have grapes every day!)”; and
- iii. An email dated 19 April 2019 from Mr Evans to Pupil A, which included: “I’ve been eating lots of normal pineapple along with my usual intake of grapes!”.

However, the panel noted that Mr Evans had not copied Witness A into his response to Pupil A’s email dated 27 March 2019, in which she confirmed her reasoning for the use of the word “*Grapes*” in her emails. The panel also considered that there had been a prolific use of the word “*Grapes*” over a prolonged period of time by both Mr Evans and Pupil A by email, but that Witness A had only been copied into three of these. In two of these three emails, the panel also noted that the term “*grapes*” was used in such a way so as not to alert the school that it was a “code word” or a shorthand term for any other phrase.

The panel heard from Witness A who confirmed that Mr Evans did not inform her of the meaning of the word “*Grapes*”. The panel also heard from Witness B that she was also not aware of the meaning behind the term “*Grapes*” until she had sight of Pupil A’s email dated 27 March 2019 as part of the School’s investigation. The panel heard from Mr Evans who accepted that he did not explain the reason for the use of the word “*Grapes*” to the School. As the panel felt that the use of the word “*grapes*” between him and Pupil A was wholly inappropriate, the panel also found that Mr Evans misled the school as to the nature of his relationship with Pupil A by failing to disclose its use.

The panel found this allegation proven.

2) misled the school as to the nature of your relationship with Pupil A and/or the extent of your contact with Pupil A, including by:

a. failing to disclose to the school your conduct at allegations 1a-1d above:

iii. in respect of 1.c) from in or around June 2019 until in or around September 2019;

The panel noted that this allegation was accepted by Mr Evans.

The panel had heard from Witness B that in September 2019 at the start of the school term, a safeguarding refresher training session had been provided to members of staff which had included Mr Evans. The training had made reference to providing personal phone numbers to pupils. Witness A explained that, following this training session, Mr Evans approached Witness A and informed her that he had provided his personal phone number to Pupil A, that the training had made him feel anxious about this, and that he knew that he should not have done it.

The panel accepted that Mr Evans had recognised that he should not have provided his phone number to Pupil A and that as a result he had self-reported to Witness B in September 2019. However, the panel found that prior to September 2019, Mr Evans did conceal this from the School and therefore that this misled the school as to the nature of his relationship with Pupil A.

The panel therefore found this allegation proven.

2) misled the school as to the nature of your relationship with Pupil A and/or the extent of your contact with Pupil A, including by:

a. failing to disclose to the school your conduct at allegations 1a-1d above:

iv. in respect of 1.d) from in or around June 2019 until in or around September 2019.

The panel noted that this allegation was admitted by Mr Evans.

The panel understood from the evidence of Witness B that the Dictaphone messages provided by Mr Evans to Pupil A had only been discovered as part of the School's investigation, and that Mr Evans had not voluntarily disclosed these at any point prior to this. In particular, the panel had heard how, in an email from Pupil A to Mr Evans dated 16 June 2019 (of which the panel had sight), Pupil A had made a reference to having heard Mr Evans' voice, and that this had led to the discovery of the Dictaphone messages.

The panel had seen from the School's investigation that Mr Evans accepted that he should have alerted the School to the Dictaphone messages. Whilst the panel accepted that Mr Evans was eventually open in respect of the Dictaphone messages once they had been discovered, they noted that he had still failed to voluntarily disclose them from June 2019 to September 2019. Given the intense content of the Dictaphone messages,

the panel was of the view that Mr Evans had misled the School as to the nature of his relationship with Pupil A by failing to disclose the Dictaphone messages prior to the School's investigation.

The panel therefore found this allegation proven.

2) misled the school as to the nature of your relationship with Pupil A and/or the extent of your contact with Pupil A, including by:

b. failing to copy in the Designated Safeguarding Lead to all emails with Pupil A, as you were instructed to do in or around May 2018 and in or around March 2019;

The panel noted that the allegation was admitted by Mr Evans.

The panel understood that Witness A had instructed Mr Evans to copy her in to all email correspondence between him and Pupil A on at least two separate occasions; firstly, on or around May 2018, when Mr Evans had spoken to Witness A about Pupil A's intention to make a speech relating to [REDACTED], and again during the telephone call that took place on 17 March 2019.

The panel has had sight of emails in the bundle that show that Mr Evans did copy Witness A into emails with Pupil A between February 2019 and August 2019. The panel therefore felt that Mr Evans had understood the instructions that were given to him. However, the panel also had sight of numerous additional emails between Pupil A and Mr Evans dated between February 2019 and September 2019 where Mr Evans appears to not have copied Witness A in to those emails, contrary to Witness A's instructions. The panel were of the view that Mr Evans had consciously selected the emails that he shared with Witness A so as not to alert Witness A to emails that did not relate to school and work, but were more of a personal nature and were therefore inappropriate.

The panel noted that it had not seen all of the emails that were sent between Pupil A and Mr Evans and so it did not know for certain the extent to which Witness A was or was not copied in to them. However, Mr Evans did accept in his testimony that he did not copy Witness A into the majority of the emails that the panel had sight of that were in the bundle.

The panel had found that the nature and content of the emails that Witness A was not copied into went beyond discussions around work and school. They also referred to elements of Pupil A's and Mr Evans' personal lives. As a result, the panel felt that Mr Evans had misled the School as to the full extent of the relationship and contact that he had with Pupil A, by failing to copy Witness A into all of the emails as instructed.

The panel therefore found this allegation proven.

3) failed to notify the Designated Safeguarding Officer and/or failed to input entries on [REDACTED] when Pupil A made comments to you which

demonstrated that she had feelings for you and/or comments which demonstrated that her well-being was at risk, including the following comments:

- a. 'I love listening to you and anything you tell me, so no you are never burdening me I love listening to you as well as talking. I love you!', which was a comment made by Pupil A to you on 1 March 2019;
- b. 'I love you so very much', which was a comment made by Pupil A to you on 12 March 2019;
- c. 'I'll miss my two favourite...(you're one of them). You're a darling aren't you... you're slowly well surely are you filling that part up for me... I really really think so highly of you and I love you very much! You fill up so many holes', which was a comment made by Pupil A to you on 14 March 2019;
- d. 'I love you too', which was a comment made by Pupil A to you on 16 June 2019;
- e. 'Miss youuuu', which was a comment made by Pupil A to you 3 August 2019;
- f. 'Missed you tons!!', which was a comment made by Pupil A to you on 1 September 2019;
- g. 'I am failing... I thought living was pointless which it is and I'm just sick tired of it.. I've just kind of lost hope', which was a comment made by Pupil A to you on 12 March 2019;
- h. 'I don't deserve you or [REDACTED] or anyone as good as youse , I just disappoint', which was a comment made by Pupil A to you on 12 June 2019;
- i. 'I feel terrible about everything. Like I'm just very unhappy at the moment... I always feel lonely', which was a comment made by Pupil A to you on 13 June 2019;
- j. 'I'm kind of sliding past the limit lines', which was a comment made by Pupil A to you on 20 July 2019;
- k. 'I'm in abit I'd [sic] a crisis', which was a comment made by Pupil A to you on 31 July 2019.

The panel noted that the allegation was admitted by Mr Evans in its entirety. However, as part of its decision-making, the panel considered the allegation in two separate parts, before considering the allegation as a whole.

Firstly, the panel considered the comments made by Pupil A at allegations 3(a)-(f), in which Pupil A appeared to demonstrate the feelings that she had for Mr Evans. The panel had sight of these emails from Pupil A and found that they were particularly

inappropriate in the context of a teacher-pupil relationship and that they therefore warranted a report to the Designated Safeguarding Lead and/or via [REDACTED].

The panel accepted that the comments made by Pupil A at allegations 3(a)-(f) were Pupil A's feelings for Mr Evans that she had expressed voluntarily, and not in response to any commentary from Mr Evans. For example, in respect of allegation 3(d), the panel noted that there is a reference to a comment made by Pupil A which stated "I love you too". However, the panel found there was no evidence to suggest that this was reciprocal to any prior expressions that were made by Mr Evans. Nevertheless, the panel still felt that the inappropriateness of these comments did warrant reporting to the Designated Safeguarding Lead and/or [REDACTED], but noted that Mr Evans failed to do so.

The panel also considered the comments made by Pupil A at allegations 3(g)-(k), which the panel accept clearly demonstrated that Pupil A's well-being was potentially at risk. The panel noted from Mr Evans' evidence that at the time, Mr Evans did not feel as though Pupil A's comments raised safeguarding concerns, as she had appeared to refer to past feelings (which he believed were no longer present), and he believed that Pupil A had no longer had those feelings following her emails with Mr Evans. Therefore, Mr Evans did not feel as though he needed to report these to the Designated Safeguarding Lead and/or on [REDACTED]. However, the panel considered that it was not Mr Evans' decision to make a judgment as to whether or not the student was at a risk of harm, as this was the responsibility of the Designated Safeguarding Lead. The panel felt that the comments should have been reported immediately. The panel noted that Mr Evans had since accepted this and had accepted that for each of the comments at allegations 3 (a)-(k), these did raise safeguarding concerns and he should have disclosed them to the Designated Safeguarding Lead and/or uploaded them to [REDACTED].

The panel heard from Witness A, who confirmed that she was unaware of the specific comments that had been made by Pupil A to Mr Evans until the School conducted its investigation.

The panel therefore found that Mr Evans had failed to notify the Designated Safeguarding Lead and/or had failed to record the specific comments on [REDACTED], and the panel judged that Mr Evans should have done so.

The panel found this allegation proven in its entirety.

4) Your conduct as may be found proven at Allegations 1b, 1c, 1d and/or 2 and/or 3 was dishonest and/or demonstrated a lack of integrity.

The panel noted that this allegation was partially admitted by Mr Evans. The panel considered allegation 4 as against allegations 1.b, 1.c, 1.d, 2 and 3 separately.

In determining whether or not Mr Evans' conduct was dishonest, the panel applied the test set out in the case of *Ivey v Genting Casinos (UK) Ltd*, and considered: (i) subjectively, the actual state of Mr Evans' knowledge or belief as to the facts; and (ii)

objectively, whether or not Mr Evans' conduct was dishonest in accordance with the standards of the ordinary decent person.

In determining whether or not Mr Evans' conduct demonstrated a lack of integrity, the panel considered whether his conduct had adhered to the ethical standards of the teaching profession, building upon its own specialist knowledge and experience of the profession and the ethical standards of that profession.

Firstly, as to allegation 1.b), the panel accepted Mr Evans' prior explanation that he had used the word "*Grapes*" as a term of convenience, in order to demonstrate to Pupil A that she would always have his support. The panel found Mr Evans to be a credible witness when giving his evidence. The panel found it more likely than not that Mr Evans had become caught-up in using the term "*Grapes*" as an affectionate way to sign off his emails to Pupil A, rather than as a code word that he intended to conceal. Therefore, the panel did not consider that Mr Evans' state of mind was dishonest simply by virtue of using the term "*Grapes*" in his emails to Pupil A. The panel found that Mr Evans' conduct at allegation 1.b) was not dishonest.

As to allegation 1.c), the panel accepted Mr Evans' evidence that he had provided his phone number to Pupil A as a safety measure, as he was concerned about her well-being after the [REDACTED] that had occurred. The panel did not consider that Mr Evans had provided his phone number to Pupil A in order to conceal any aspect of their relationship, and therefore did not consider that that Mr Evans had a dishonest state of mind. In particular the panel noted that Mr Evans had usually communicated with Pupil A via his School email account, and had not communicated with Pupil A via text message at all. The panel therefore found that Mr Evans' conduct at allegation 1.c) was not dishonest. However, the panel did consider that Mr Evans' conduct was contrary to the School's ethical standards and felt that whilst Mr Evans was aware of this at the time, he still continued to give his mobile phone number to Pupil A. Therefore the panel felt that Mr Evans' conduct demonstrated a lack of integrity.

As to allegation 1.d), the panel accepted Mr Evans' explanation that the sole purpose for providing the two Dictaphone messages to Pupil A was to offer her fatherly support during a [REDACTED]. The panel did not consider that Mr Evans had intended to conceal the nature of his relationship with Pupil A by virtue of providing her with those messages. The panel did not consider Mr Evans' state of mind to be dishonest when he gave the Dictaphone messages to Pupil A. However, the panel noted that there was a serious breach of normal ethical standards, which was caused as a result of a severe lack of judgment and misguided action. The panel was therefore of the view that whilst Mr Evans' conduct at allegation 1.d) was not dishonest, it did demonstrate a lack of integrity.

As to allegation 2(a)(i), the panel took into account Mr Evans' evidence, in which he stated that he was not as open as he should have been to Witness A in respect of the email exchanges with Pupil A, as he was concerned about the consequences that would

occur as a result. In particular, in his testimony, Mr Evans recognised that had he been more open with Witness A as to the contents of the email exchanges, Witness A would have realised that his relationship with Pupil A had gone far beyond a teacher-pupil relationship. Therefore, Pupil A could have been removed from his class. Mr Evans stated that, in his view, this would have been damaging to Pupil A, as she would have lost the support from him at an important time in her education. The panel accepted that Mr Evans did genuinely believe that he was fulfilling a moral duty to Pupil A by not disclosing the full content of the emails and allowing the full nature of their relationship to be revealed.

However, the panel had found that Mr Evans did deliberately conceal his inappropriate email exchanges with Pupil A from Witness A, in order to conceal the true nature of their relationship, which had extended far beyond what was expected of a teacher-pupil relationship. The panel considered that by doing this, Mr Evans did have a dishonest state of mind. The panel also felt that it was clear from an objective position that deliberately concealing emails of an inappropriate nature was a dishonest thing to do. The panel therefore found Mr Evans' conduct at allegation 2(a)(i) to be dishonest.

As to allegation 2.a(ii), the panel had heard from Mr Evans that he was not open with Witness A about the use of the word "*Grapes*", as he did not want Witness A to think that he had not withdrawn from Pupil A in the way that Witness A had previously advised him to. Mr Evans felt that the use of a convenient word would indicate this and was conscious of the consequences that would occur; such as Pupil A potentially being removed from his class and him having to withdraw from Pupil A at a much quicker pace than he would have been prepared to do.

The panel considered that Mr Evans' failure to disclose the use of the term was driven by a desire to conceal the extent of his relationship with Pupil A, and felt that in doing so, he had a dishonest state of mind. The panel also found that deliberately concealing the use of a term that would have shed light on such an intense and inappropriate relationship is clearly dishonest, applying the objective standards of the ordinary decent person.

The panel also noted that in his witness statement, Mr Evans accepted that his behaviour in concealing the use of the term "*Grapes*" was duplicitous. Whilst the panel noted that there was no requirement that Mr Evans had to appreciate that what he had done by the objective standards was dishonest, the panel did agree that Mr Evans' behaviour had demonstrated a degree of duplicity. Overall, the panel found that Mr Evans' conduct in respect of allegation 2.a(ii) was dishonest.

As to allegation 2.a(iii), the panel did not feel that Mr Evans had deliberately withheld the fact that he had provided his phone number to Pupil A from the School. The panel did find that there was a delay in providing such information but that Mr Evans did not have a dishonest state of mind during this delay. However, the panel did find that Mr Evans' conduct demonstrated a lack of integrity, as Mr Evans was aware that his conduct in

giving Pupil A his phone number was in breach of the school's code and therefore he knew he should have informed the School.

As to allegation 2.a(iv), the panel felt that Mr Evans failed to disclose the Dictaphone messages from the School in order to deliberately conceal the nature of his relationship with Pupil A. In particular, the panel had heard from Mr Evans that he knew that he was doing the wrong thing when recording the audio messages and providing them to Pupil A, but that he felt his obligation to support Pupil A had overridden his professional responsibility. The panel found that Mr Evans had a dishonest state of mind in deliberately concealing this information from the School which would have no doubt shed light on the true nature of his relationship with Pupil A. The panel also felt that the failure to disclose the Dictaphone messages which would in turn have revealed the true nature of Mr Evans' and Pupil A's relationship was clearly dishonest, applying the objective standards of the ordinary decent person.

The panel also heard from Mr Evans that he had used a Dictaphone in particular, as he wanted to send private and personal messages that were not open to the School. However the panel recognised that the School should have been aware of these messages, and that Mr Evans did know this but still deliberately chose a method of communication that would not be detected by the School. The panel found that this fell well below the normal ethical standards required by the profession. The panel therefore found that Mr Evans' conduct at allegation 2.a(iv) was dishonest and did also demonstrate a lack of integrity.

As to Allegation 2.b, the panel had heard how Mr Evans had copied Witness A into some of the emails to Pupil A that did discuss school matters, but that he failed to copy Witness A into other emails. The panel noted that the tone of the emails in to which Witness A was copied in, differed substantially from the tone of the emails to which she was not on copy. The emails that Witness A was not copied into were far more inappropriate and beyond the usual boundaries of a teacher-pupil relationship. The panel felt that Mr Evans' approach was selective and purposeful in order to conceal the inappropriate nature of both the emails and the relationship.

The panel had heard from Mr Evans how, he was aware that if Witness A had seen the full extent of the emails then this would have resulted in the School removing Pupil A from his class. Mr Evans stated he believed that this would have been against Pupil A's best interests. The panel felt that in deliberately choosing to conceal certain emails from Witness A, Mr Evans' state of mind was dishonest. The panel also found that in doing so, Mr Evans' conduct was objectively dishonest. The panel found that Mr Evans' conduct at allegation 2.b was dishonest.

The panel did not consider allegation 4 in the context of allegation 2.c, as allegation 2.c was found not proven.

As to allegation 3, the panel felt that there was insufficient evidence upon which to make a finding of dishonesty. In particular, the panel considered that upon receiving these messages from Pupil A, Mr Evans had become so deeply rooted within the situation that he had lost control and was unable to manage it. The panel had heard from Mr Evans that he was able to deal with the escalation of the relationship himself before the issue had escalated even further. In doing so, the panel felt that Mr Evans had lost his moral compass, but did not consider that Mr Evans' state of mind was dishonest.

However, the panel found that not reporting the contents of those emails from Pupil A was clearly well below the policies of the School. In particular, the panel had sight of the School's policy in the bundle, which states that where there is a suspicion or disclosure that a student is at a risk of harm, a member of staff is supposed to complete [REDACTED] before the end of the day and add the Designated Safeguarding Lead into this alert. However, Mr Evans failed to abide by this in order to protect his relationship with Pupil A. Therefore the panel felt that whilst Mr Evans' conduct at allegation 3 was not dishonest, it did demonstrate a lack of integrity.

Overall, the panel therefore found this allegation proven.

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

2) misled the school as to the nature of your relationship with Pupil A and/or the extent of your contact with Pupil A, including by:

c. emailing the school's Principal on 5 August 2019, stating that 'her [Pupil A's] emails have completely dropped off in terms of frequency, length and intensity', when this was not the case.

The panel noted that this allegation was not admitted by Mr Evans.

The panel had sight of an email from Mr Evans to Witness B on 5 August 2019, in which Mr Evans had requested Witness B's permission for Pupil A to visit Mr Evans at the School (despite her no longer being a pupil and it not being term time) so that he could assist with preparing her CV. In this same email, Mr Evans stated: "*her emails have completely dropped off in terms of frequency, length and intensity*".

In his testimony, Mr Evans explained how he made this statement as he did believe this to be the position at the time. In particular, Mr Evans stated that between 27 February 2019 to 16 March 2019, there had been a number of emails between himself and Pupil A, which were very lengthy, emotionally intense, and personal, on a daily basis. However, by the time he had written to Witness B on 5 August 2019, he stated that there had only been a total of 6 emails between himself and Pupil A, including a full week without any emails. The panel had sight of these emails in the bundle, but considered that it did not have sight of all of the emails to have a full picture. However, based on the emails that were available to the panel, the panel accepted Mr Evans' explanation for informing

Witness B that the emails had dropped off, and felt as though he did genuinely believe this to be the position.

The panel considered that there was insufficient evidence to show that the emails had continued at the same level of frequency, length and intensity as at 5 August 2019. This is confirmed by the School's investigation, in which the School had acknowledged that the emails had decreased.

The panel therefore found this allegation 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".

The panel was satisfied that the conduct of Mr Evans, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Evans was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 was satisfied that the conduct of Mr Evans, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Evans was in breach of KCSIE as he had failed to safeguard the welfare of Pupil A, and had failed to identify and report any safeguarding risks. The panel was satisfied that the conduct of Mr Evans, in relation to the facts found proved, also involved breaches of Working Together to Safeguard Children.

The panel was satisfied that the conduct of Mr Evans fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Evans' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences was relevant.

The panel considered the seriousness of Mr Evans' conduct. The panel noted that Mr Evans had failed to comply with verbal instructions that were given to him, and felt that this was due to his desire to form and maintain a strong fatherly bond with Pupil A. The panel also felt that Mr Evans had become so involved with Pupil A, that he felt unable and unwilling to disclose the depths of his relationship with her.

The panel noted that Mr Evans' conduct was over an extended period of time, and included a [REDACTED], Pupil A, who became heavily reliant upon Mr Evans in a way that went beyond a proper teacher-pupil relationship. As a result, Pupil A did not receive the support that she could have received from the appropriate professionals during a [REDACTED]. The panel also noted that despite being instructed to do so, and agreeing that it would be the best course of action, Mr Evans did nothing to abate the relationship with Pupil A. The panel felt that this was because Mr Evans had also developed an attachment to Pupil A and felt unable to withdraw from this relationship.

The panel felt that Mr Evans had put himself into a position where he felt that he was solely responsible for pupil's welfare and that this led to some serious misjudgements. For example, Mr Evans did not share crucial comments made by Pupil A which demonstrated that her welfare was potentially at risk and should have raised serious safeguarding concerns. The panel found that Mr Evans did receive the appropriate safeguarding training and therefore he knew what he should have been doing to safeguard Pupil A with regard to KCSIE. The panel also considered that Mr Evans had known that his actions were contrary to the School's policies and best practices, but he purposely continued to act in the manner that he did. The panel accepted that Mr Evans had a genuine belief that he was acting in Pupil A's best interests and that his actions were well-intentioned. However, upon consideration of Mr Evans' conduct and the inappropriate nature of the relationship that was formed, the panel found that Mr Evans was in fact acting contrary to Pupil A's best interests. The panel noted that Mr Evans had now also recognised how his conduct would have been potentially damaging to Pupil A.

The panel took into account the character evidence that was adduced by Witnesses C, D and E, and felt that Mr Evans' actions resulted from his own personal attributes i.e., that he was a conscientious and caring person who wanted to help others, and was therefore somebody who individuals had always turned to and relied upon for help and support. The panel did not believe that Mr Evans had an ulterior or personal motive behind his actions with Pupil A. The panel recognised that there was no romantic intention and that Mr Evans was genuinely committed to looking out for Pupil A's welfare. However, in doing so, the panel felt that Mr Evans had in fact failed to safeguard Pupil A's welfare.

The panel had also accepted that prior to this incident, Mr Evans was considered to be diligent and had always reported any safeguarding concerns. However, on this occasion, Mr Evans created circumstances, albeit as a result of good intentions, where he had lost control of a poorly managed situation. As a result, the panel found that Mr Evans had knowingly, purposefully and continually acted contrary to the School's policies and best practices, and had purposefully concealed that he was doing so from the School, in order to maintain his relationship with Pupil A so that he could continue to, in his judgment, care for and support her.

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

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 panel also considered whether Mr Evans' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences was relevant.

The panel considered that Mr Evans' conduct could potentially damage the public's perception of a teacher. In particular, the panel felt that the public did not imagine a typical relationship between a teacher and pupil to involve the same level of intensity and inappropriate communications as demonstrated in this case.

The panel therefore found that Mr Evans' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2(a),(b) and (d), 3 and 4 proved, the panel further found that Mr Evans' 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/or 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Evans and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be

punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mr Evans, which involved findings that:

- (i) Mr Evans had failed to maintain appropriate professional boundaries with Pupil A;
- (ii) Mr Evans had misled the School as to the nature of his relationship and/or communications with Pupil A;
- (iii) Mr Evans had failed to report comments made by Pupil A that demonstrated her feelings for Mr Evans and/or that her well-being was at risk; and
- (iv) Mr Evans' conduct in respect of the allegations found proven was dishonest and/or demonstrated a lack of integrity,

the panel found that there was a strong public interest consideration in the respect of the safeguarding and wellbeing of pupils, given the serious findings of an inappropriate relationship with a child. However, the panel also noted that in this instance the findings had a lesser degree of seriousness, as the relationship formed was not a romantic relationship and was more of a father-daughter relationship.

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

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

However, the panel also decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and/or his ability to make a valuable contribution to the profession.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- failure to act on evidence that indicated a child's welfare may have been at risk, eg, failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

There was no evidence to suggest that Mr Evans' actions were not deliberate.

There was also no evidence to suggest that Mr Evans was acting under extreme duress, e.g. a physical threat or significant intimidation.

However, the panel found there to be significant mitigation offered by the teacher.

Character evidence

The panel noted that there was a wealth of character evidence adduced by Mr Evans, which included 11 character witness statements in the hearing bundle. The panel had also heard oral testimony from two witnesses who had worked in the teaching profession and had closely worked with Mr Evans. In particular, Witness C, [REDACTED], stated that she found Mr Evans to be a "thoroughly decent man". Witness C also stated that Mr Evans was extremely well organised, dedicated to the job, very thoughtful and was able to develop a good relationship with students. Witness C also described Mr Evans as "extremely honest, straight forward and forthright", and stated that he was very reflective and honest about what he saw as a failing in the class room. Witness C stated that Mr Evans was always professional and that she trusted him implicitly.

In addition, Witness D, who also worked with Mr Evans at the School, stated that Mr Evans was one of the very best trainee teachers that they had ever had at the School. Witness D described Mr Evans as very diligent, a fantastic role model to young students, and conscientious. Witness D explained how Mr Evans would often seek her out in order to ask questions and to check things with her, to ensure that he was acting correctly.

The panel also had sight of a number of appreciation and thank you messages to Mr Evans from pupils in the bundle, from which it was apparent that Mr Evans was respected and appreciated by other pupils at the School.

There was also a large amount of character evidence provided by individuals who were not in the teaching profession but held senior positions in their own field. For example, Witness E, who was Mr Evans' former employer, described Mr Evans as having a "high propensity for integrity", being considerate of those around him, and being always open to helping others. The panel also had sight of a witness statement from a friend of Mr Evans who described him to be a "fundamentally decent, moral and conscientious person." The panel felt that this was a common theme throughout the character evidence that was provided. Mr Evans was described as a genuine, thoughtful, conscientious and supportive person by those who knew him.

The panel had also heard from Witnesses A and B, who had been called by the TRA, that Mr Evans was highly regarded by all those who knew him, had a good reputation at the School and was a valued member of staff.

The panel therefore considered that, whilst Mr Evans was not a very experienced teacher, he did have a good history and had demonstrated exceptionally high standards in both his personal and professional conduct. The panel had also felt that Mr Evans had made a positive contribution to the education sector, demonstrated by his promotion to Head of Year early on in his career. The panel therefore accepted that this was a unique set of circumstances which did not reflect Mr Evans' usual behaviour.

Insight

The panel noted that Mr Evans had denied the allegation of dishonesty and/or lack of integrity and considered the impact this had on Mr Evans' level of insight. In doing so, the panel took into account some of the principles set out at paragraphs 103 to 110 in the case of *Sawati v General Medical Council* [2022] EWHC 283 (Admin). In particular, the panel felt that despite Mr Evans' initial non-acceptance of the allegation, his defence was in fact a failed attempt to cast a story in the best possible light for him, rather than to provide a dishonest defence to the panel.

The panel was also satisfied that Mr Evans had still demonstrated additional levels of insight into his conduct. Based on Mr Evans' detailed testimony provided, the panel felt that Mr Evans had sought to be as open and as honest as possible, in order to show as

much insight as possible. The panel felt that Mr Evans did demonstrate that he had insight into his actions. In particular, Mr Evans accepted that he had fostered an inappropriate relationship with Pupil A and that he had also failed to safeguard her well-being, despite it being his intention to care for her. Mr Evans had also referred to each of the comments made by Pupil A as set out at allegation 3, and accepted that, in hindsight, these comments all gave rise to serious safeguarding concerns, and that they should have been reported to the Designated Safeguarding Lead immediately. Mr Evans has also appeared to accept that by failing to report these concerns, he did place Pupil A at risk, although it was not his intention to do so.

The panel was also of the view that Mr Evans had started to demonstrate an insight into his behaviour at the time of his own conduct. In particular, the panel noted that Mr Evans did try to seek help from the School on at least two occasions: once during his phone call with Witness A on 17 March 2019, and again during his meeting with Witness A and Witness B at the School in the summer of 2019. Whilst Mr Evans did not disclose the full extent of his conduct on these occasions, the panel felt that there was a genuine intention by Mr Evans to seek advice and support, and that he did take proactive steps to do this. However, the panel felt that the School failed to provide him with the appropriate support and advice that would typically have been expected, particularly in light of the serious issues that were raised. The panel therefore felt that the School's flawed procedures contributed to Mr Evans' conduct in this case.

Overall, the panel felt that Mr Evans had demonstrated a high level of insight into his conduct and the impact on Pupil A.

Remorse

The panel considered that Mr Evans was deeply embarrassed by his conduct, and that he had demonstrated a willingness to understand where he had gone wrong [REDACTED]. In his testimony, the panel had also heard from Mr Evans in respect of how he would do things differently in the future. Mr Evans stated that he would avoid forming any relationships with students that would typically be unacceptable for a teacher and pupil to have. Mr Evans also stated that he would be more open and honest in the future if he felt that a similar situation was going to arise. Mr Evans had also accepted that he had let Pupil A, the School and those around him down and he appeared to regret this.

Mr Evans accepted that, in hindsight, his conduct was inappropriate and that it was also potentially damaging to Pupil A. Mr Evans also accepted that Pupil A could have had better support from someone else who was better placed to provide it. The panel considered that he had appeared to be remorseful about this. Overall, the panel felt that Mr Evans had demonstrated a high level of remorse.

Delay

The panel was also particularly mindful that there had been a delay between Mr Evans' referral to the TRA in 2019 and the case being heard at a professional conduct panel hearing. The panel considered that this was relevant to the decision as to whether or not to recommend a prohibition order, in accordance with the case of *Dr Bright Selvadurai Selverajan v GMC* [2008] EWHC 182. The panel had heard how Mr Evans had been unable to secure employment as a teacher following his dismissal from the School, as any prospective employer had wanted to await the outcome of the TRA process, and considered the impact that this had on him. The panel felt that in this instance, the delay was particularly lengthy (4-5 years). Therefore, the panel felt that any prohibition order imposed would now have the effect of being overly severe and punitive in nature.

Proportionality

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, 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 significant 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 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 conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including 2.c. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Simon Evans 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 Evans is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- 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 was satisfied that the conduct of Mr Evans, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and involved breaches of Working Together to Safeguard Children.

The panel finds that the conduct of Mr Evans 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 Evans, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and/or safeguard pupils. The panel has observed, “the panel found that there was a strong public interest consideration in the respect of the safeguarding and wellbeing of pupils, given the serious findings of an inappropriate relationship with a child. However, the panel also noted that in this instance the findings had a lesser degree of seriousness, as the relationship formed was not a romantic relationship and was more of

a father-daughter relationship.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel was also satisfied that Mr Evans had still demonstrated additional levels of insight into his conduct. Based on Mr Evans’ detailed testimony provided, the panel felt that Mr Evans had sought to be as open and as honest as possible, in order to show as much insight as possible. The panel felt that Mr Evans did demonstrate that he had insight into his actions. In particular, Mr Evans accepted that he had fostered an inappropriate relationship with Pupil A and that he had also failed to safeguard her well-being, despite it being his intention to care for her. Mr Evans had also referred to each of the comments made by Pupil A as set out at allegation 3, and accepted that, in hindsight, these comments all gave rise to serious safeguarding concerns, and that they should have been reported to the Designated Safeguarding Lead immediately. Mr Evans has also appeared to accept that by failing to report these concerns, he did place Pupil A at risk, although it was not his intention to do so.” 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 considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Evans were not treated with the utmost seriousness when regulating the conduct of the profession.” The panel went on to say “the panel also decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and/or his ability to make a valuable contribution to 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 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 Evans himself and the panel comment “The panel noted that there was a wealth of character evidence adduced by Mr Evans, which included 11 character witness statements in the hearing bundle. The panel had also heard oral testimony from two witnesses who had worked in the teaching profession and had closely worked with Mr Evans.” The panel also said “The panel therefore considered that, whilst Mr Evans was not a very experienced teacher, he did have a good history and had demonstrated exceptionally high standards in both his

personal and professional conduct. The panel had also felt that Mr Evans had made a positive contribution to the education sector, demonstrated by his promotion to Head of Year early on in his career. The panel therefore accepted that this was a unique set of circumstances which did not reflect Mr Evans' usual behaviour."

A prohibition order would prevent Mr Evans from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the level of insight or remorse. The panel has said, "The panel considered that Mr Evans was deeply embarrassed by his conduct, and that he had demonstrated a willingness to understand where he had gone wrong [REDACTED]. In his testimony, the panel had also heard from Mr Evans in respect of how he would do things differently in the future. Mr Evans stated that he would avoid forming any relationships with students that would typically be unacceptable for a teacher and pupil to have. Mr Evans also stated that he would be more open and honest in the future if he felt that a similar situation was going to arise. Mr Evans had also accepted that he had let Pupil A, the School and those around him down and he appeared to regret this."

I have also placed considerable weight on the finding of the panel that "Mr Evans accepted that, in hindsight, his conduct was inappropriate and that it was also potentially damaging to Pupil A. Mr Evans also accepted that Pupil A could have had better support from someone else who was better placed to provide it. The panel considered that he had appeared to be remorseful about this. Overall, the panel felt that Mr Evans had demonstrated a high level of remorse."

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



Decision maker: Sarah Buxcey

Date: 12 December 2023

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