



Teaching  
Regulation  
Agency

# **Mr Gary Shores: Professional conduct Panel outcome**

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

**February 2024**

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## **Professional conduct Panel decision and recommendations, and decision on behalf of the Secretary of State**

**Teacher:** Mr Gary Shores  
**Teacher ref number:** 0308830  
**Teacher date of birth:** 22 December 1971  
**TRA reference:** 20031  
**Date of determination:** 7 February 2024  
**Former employer:** Bridlington School

### **Introduction**

A professional conduct Panel (“the Panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means, to consider the case of Mr Gary Shores. The hearing was previously adjourned on 15 November 2023 for reasons set out within the Panel’s written decision of that date and re-convened on 7 February 2024.

The Panel members were Mr Ronan Tyrer (lay Panellist – in the chair), Ms Caroline Downes (lay Panellist) and Mrs Kate Hurley (teacher Panellist).

The legal adviser to the Panel was Ms Laura Marsh of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Miss Kathryn Hughes of Counsel instructed by Kingsley Napley LLP.

Mr Shores was not present and was not represented.

The hearing took place in public and was recorded.

## **Allegations**

The Panel considered the allegation(s) set out in the notice of proceedings dated 28 November 2023.

It was alleged that Mr Shores was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

On 22 August 2017 whilst working as a Teacher at Bridlington School, an extreme pornographic image was created on his mobile device for which he received a police caution on 1 April 2021.

The wording of this allegation represented an amendment from the previous allegation notified to Mr Shores on 28 November 2023. The Panel had already determined to allow the amendment for reasons stated within their written decision of 15 November 2023 and were satisfied that Mr Shores had been notified and given the opportunity to respond to the amended allegation.

In the absence of a response from the teacher, the allegations are not admitted.

## **Preliminary applications**

### **Proceeding in Absence**

The Panel considered whether this hearing should continue in the absence of the teacher.

The Panel was satisfied that the TRA has complied with the service requirements of paragraph 19 (1) (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations") when sending the Notice of Hearing to Mr Shores.

The Panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher Misconduct: Disciplinary procedures for the teaching profession, May 2020 (the "Procedures").

The Panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The Panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one. In considering the question of fairness, the Panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the Panel noted that the teacher may waive his right to participate in the hearing. The Panel has firstly taken account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC 1.

- The Panel noted that, in September and October 2023, Mr Shores responded to emails sent to him with the last communication from Mr Shores being sent on 16 October 2023. Mr Shores was informed on 4 September 2023 that he could access the proposed hearing bundle via a secure online document portal. Mr Shores responded the same day within just over 30 minutes to provide what appears to be a response to the allegation made against him.
- On 16 October 2023, Mr Shores was invited to confirm whether he would be submitting any documents for the hearing and whether he wished for his email of 4 September 2023 to be included in the bundle. Mr Shores was also asked to confirm whether he would be attending the hearing on 15 November 2023 and/or whether he would be represented. Mr Shores responded within 16 minutes to state: *“Please include the email below. In [sic] will not be submitting anything additionally to that which has already been submitted. I will not be attending.”*
- Mr Shores is unrepresented, and has expressed no wish to obtain any legal representation in these proceedings. On 3 April 2023, Mr Shores sent an email in response to a query as to the details of any representative to state *“in that case I have no rep”*.
- With regard to the amended allegation and the postponed hearing, Mr Shores received an updated Notice of Hearing on 28 November 2023 and was asked for confirmation of his attendance at the Hearing on 2 February 2024. Mr Shores responded on 4 February 2024 to state *“I will not be attending”*.
- No adjournment has been sought by Mr Shores and there was no evidence that an adjournment would result in Mr Shores’ attendance. The Panel was satisfied that Mr Shores was fully aware of these proceedings and the time and date of the relevant hearing.
- The Panel recognised the potential risk of reaching an improper conclusion about Mr Shores’ absence. However, the Panel was satisfied that Mr Shores had clearly, unequivocally and voluntarily absented himself from proceedings making it clear that he did not wish to attend.
- The Panel recognised that the allegations against the teacher were serious and that there was a real risk that if proven, the Panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- The Panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession.

The Panel decided to proceed with the hearing in the absence of the teacher. The Panel considered that in light of:

- Mr Shores' express waiver of his right to appear;
- the measures available to address any unfairness insofar as is possible; and
- the public interest of progressing proceedings relating to serious allegations so far as possible within a reasonable time,

that this hearing should continue.

## Summary of evidence

### Documents

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

Section 1: Chronology and List of Key People – pages 3 to 5

Section 2: Notice of Hearing and Response and Statement of Agreed Facts – pages 6 to 34

Section 3: Teaching Regulation Agency documents – pages 35 - 129

Section 4: Teacher's Response – pages 130 - 134

In addition, the Panel agreed to accept an email exchange with the teacher from 2 – 4 February 2024 whereby the teacher indicated that he would not be attending (page 135).

It was noted that the document at page 129 of the bundle had been served on Mr Shores on 2 February 2024 rather than as part of the Notice of Proceedings. The Panel chose to accept to admit this document on the following basis:

- It had only come into existence on 18 January 2024 and so could not possibly have been disclosed as part of the Notice of Proceedings;
- Mr Shores' attention had clearly been drawn to the addition of this new document on 2 February 2024;
- Mr Shores responded to that email to confirm his non-attendance on 4 February and therefore had the opportunity to review and comment upon the inclusion of that additional document which was very brief in content;
- The document was clearly relevant to the allegations the Panel were required to consider.

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

## Witnesses

The Panel did not hear any oral evidence as no witnesses were called by the presenting officer or the teacher.

## Decision and reasons

The Panel announced its decision and reasons as follows:

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

## Findings of fact

The findings of fact are as follows:

The Panel found the following particulars of the allegation(s) against you proved, for these reasons:

**On 22 August 2017 whilst working as a teacher at Bridlington School, an extreme pornographic image was created on your mobile device for which you received a police caution on 1 April 2021.**

The Panel saw evidence from the Senior Finance Officer at Bridlington School which confirmed that Mr Shores was employed by Bridlington School from 1 September 2016 to 31 December 2017. Contemporaneous evidence dated in 2016 from Bridlington School confirmed that Mr Shores was employed as a Science Teacher. The Panel saw evidence of Mr Shores' resignation letter to Bridlington School dated 20 September 2017 and acceptance of that resignation from Bridlington School dated 29 September 2017 which again confirms Mr Shores' role as a Teacher of Science and confirmed that his employment would end on 31 December 2017.

In light of this information, the Panel found that on 22 August 2017, Mr Shores was working as a teacher at Bridlington School. The Panel noted Mr Shores' contention in response to the Notice of Referral in April 2023 in which he asserted "*I was not a teacher at Bridlington School for when the alleged image was created (22 Aug 2017)*", however there was no supporting evidence to corroborate this, and such an assertion was directly and conclusively disproved by contemporaneous documentation.

The Panel then went on to consider whether, on the balance of probabilities, an extreme pornographic image was created on Mr Shores mobile device on 22 August 2017, for which he received a police caution on 1 April 2021.

The Panel has seen evidence of the relevant police caution signed by Mr Shores dated 1 April 2021. The contents of this caution state "*Evidence relating to the possession of an extreme pornographic image was found on SPF/9: The phone contains one video of a female performing oral sex on a horse, this falls in the extreme pornography category of*

*Images Portraying Oral Sex with a Live Animal. The Meta data shows that this video was created on 22/08/2017 from WhatsApp”.*

The Panel considered the email from [REDACTED] dated 18 January 2024 within which she confirms “*I am reliably informed that the ‘created’ date refers to the date that the video was downloaded/saved to his phone*”. The Presenting Officer confirmed that this information had been provided further to [REDACTED] discussions with the Police’s Digital Forensic Unit. This evidence was treated with caution by the Panel on account of the fact that the person who was the direct source of that evidence was not before it, and therefore the Panel did not have the opportunity to question or assess that person’s credibility. The Panel did consider that the evidence was relevant and that it would be fair to admit the evidence (for reasons outlined above) however gave it close scrutiny to determine its reliability and compatibility with factors presented in other evidence. On balance, the Panel found that it was more likely than not that the explanation provided on behalf of the Police was accurate. The Panel noted that the evidence was provided by [REDACTED] in a professional capacity and on behalf of the Police and there was no evidence to undermine [REDACTED] credibility or to suggest that this information was in any way inaccurate or untrue. As such, the Panel were satisfied that the extreme pornographic image was created on Mr Shores’ device on 22 August 2017. The Panel did not accept on the balance of probabilities and found no evidence to support Mr Shores’ written assertion in April 2023 that *‘the image was sent after I stopped teaching in 2019’*.

The Panel considered that the fact of the caution established that the teacher had made a clear admission of guilt in respect of committing the offence for which the caution was given. The Panel considered that whilst a caution is not conclusive evidence of the relevant facts, in the same way as a conviction, the existence of a caution carried significant weight in the panel’s considerations. The Panel was also mindful that Mr Shores would have been aware of the gravity of the potential impact of accepting the caution and so was likely to have paid close attention to the wording of the caution and the detail of what he was signing.

The Panel considered the written representations provided by Mr Shores in September 2023 in which he referred to *‘a malicious venture deliberately done to entrap me’* referring to a *‘Pupil A’*. It was not clear the extent to which Pupil A was relevant to the allegation before the Panel. In particular it was unclear if this assertion was relevant to the image in question or other allegations (which were not relevant to the Panel’s considerations). In any event, the Panel accepted the Presenting Officer’s submissions that any deliberate attempt to entrap Mr Shores would be at odds with the fact that Mr Shores retained the image for a period of 2 years between its creation and his arrest and at no time sought to report or delete the image.

In light of the above, the Panel considered that it was more likely than not that on 22 August 2017 whilst working as a teacher at Bridlington School, an extreme pornographic



image was created on Mr Shores' mobile device for which he received a police caution on 1 April 2021.

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

Having found the allegation 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 Shores in relation to the facts found proved, involved breaches of the Teachers' Standards. The Panel considered that, by reference to Part 2, Mr Shores 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

- not undermining fundamental British values, including the rule of law, individual liberty and mutual respect

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 Shores fell significantly short of the standard of behaviour expected of a teacher.

The Panel also considered whether Mr Shores' acceptance of a caution displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The Panel found that the offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, was potentially relevant in this context.

The Panel acknowledged that the wording of such an offence within the Advice was unclear and in particular considered that it could not be concluded with certainty whether this offence is intended to capture only indecent images relating to children or extends to indecent images more widely. The Panel considered there to be a good possibility that the wording could extend to possession of the type of images that this case is concerned with, i.e. extreme pornographic images portraying sexual acts with animals.

Notwithstanding this lack of clarity the Panel considered it clear that reading the relevant offences as a whole, that the offence committed by Mr Shores would clearly fall within the spirit and intention of the offences covered by the Advice. The Panel noted that the following other offences were also potentially analogous, relevant and/or related in this context 'sexual activity', 'voyeurism (including upskirting)', and 'sharing private, sexual materials, either photos or videos, of another person without their consent'.

The Advice indicates that where behaviours associated with such an offence exist, a Panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The Panel noted that the allegation took place outside the education setting. Mr Shores' conduct as found proven demonstrated a willing and knowing decision by him to retain an extreme and illegal pornographic image. At the time of his arrest, Mr Shores had not chosen to report or delete this image which he had had in his possession for a period of 2 years. The Panel considered that the fact that Mr Shores considered it acceptable to retain an illegal image of such an extreme nature for such a prolonged period of time significantly calls into question his judgement as a teaching professional and the Panel believes his behaviour and actions in this respect to be so inappropriate that this may have led to pupils being exposed to, or influenced by Mr Shores' behaviour in a harmful way.

Accordingly, the Panel was satisfied that Mr Shores was guilty of unacceptable professional conduct.

The Panel went on to consider whether Mr Shores was guilty of conduct that may bring the profession into disrepute.

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 Shores' acceptance of a caution displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice, this engaged the same considerations as referred to in the above paragraphs. The Advice indicates that where behaviours associated with such an offence exist, a Panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The Panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The Panel considered that the possession by a teacher of an illegal and

extreme pornographic image portraying sexual activity with an animal is quite plainly conduct that may bring the profession into disrepute.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher. The Panel considered that Mr Shores' conduct could potentially damage the public's perception of a teacher.

The Panel therefore found that Mr Shores' actions constituted 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 is appropriate, the Panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Shores 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 the following to be relevant in this case, namely, 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 considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Shores were not treated with the utmost seriousness when regulating the conduct of the profession.

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

The Panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Shores in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher. The Panel noted in this respect that Mr Shores has not worked as a teacher since 2019 and therefore did not consider that prohibition would infringe upon his rights in any inappropriate or disproportionate way.

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 considered that a teacher's behaviour which concerns illegal activity related to extreme pornographic material concerning sexual activity with animals should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph;

- actions or behaviours that undermine fundamental British values of the rule of law, individual liberty, and mutual respect;

- a deep-seated attitude that leads to harmful behaviour;

- lack of integrity.

The Panel noted that it should attach appropriate weight and seriousness to online behaviours including online misconduct. Mr Shores had engaged in such conduct through his possession of the extreme pornographic image, and the Panel viewed this very seriously particularly given the illegal nature of that online activity and the period of time over which the illegal image was retained by Mr Shores.

Even though 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 any mitigation offered on behalf of the teacher and whether there were mitigating circumstances.

Whilst Mr Shores has not been engaged in teaching activity since 2019 and the Panel accepted that a caution was (i) at the lower end of the scale regarding outcomes for a criminal offence; and (ii) would likely be disclosable as part of any DBS check, the Panel did not believe that this mitigated against Mr Shores being an active risk to pupils and the public as part of the teaching profession. Despite there being no evidence of any intention from him to apply for a teaching role, there was no bar to prevent him from doing so, which the Panel considered was contrary to the public interest. The Panel noted also that a caution whilst on the lower end of the scale is still a breach of criminal law and therefore of teaching standards.

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

There were no previous disciplinary orders made against Mr Shores but there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector.

Mr Shores adduced no evidence in mitigation, and has not demonstrated any remorse or insight into his behaviour.

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

The Panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Shores of prohibition.

The Panel was of the view that prohibition was both proportionate and appropriate. The Panel decided that the public interest considerations outweighed the interests of Mr Shores. Mr Shores engaged in illegal activity relating to extreme pornographic material portraying sexual activity with an animal. Accordingly, the Panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. For the reasons outlined above regarding the possible extended interpretation of this wording to include indecent images more generally and therefore to capture extreme illegal pornographic material the Panel found that Mr Shores was responsible for such conduct.

The Panel also considered the conduct in light of their own knowledge and experience of the teaching profession, the responsibilities and duties of teachers and how the profession is viewed by others. In light of the absence of any insight or remorse by Mr Shores into his behaviour, the Panel was of the view that an opportunity for review would

be contrary to protecting the public interest and were satisfied that the impact on the teacher was proportionate.

No mitigation was offered by Mr Shores, and given the nature of the behaviour in this case, the Panel was very concerned at the risk of repetition if Mr Shores was allowed to teach again in the future.

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

## **Decision and reasons on behalf of the Secretary of State**

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

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

In this case, the panel has found the allegation proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Shores 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

- not undermining fundamental British values, including the rule of law, individual liberty and mutual respect

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a finding of creating an extreme pornographic image on a mobile device, for which a police caution was received.

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 likely to 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 Shores, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "The Panel considered that the fact that Mr Shores considered it acceptable to retain an illegal image of such an extreme nature for such a prolonged period of time significantly calls into question his judgement as a teaching professional and the Panel believes his behaviour and actions in this respect to be so inappropriate that this may have led to pupils being exposed to, or influenced by Mr Shores' behaviour in a harmful way." 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 has set out as follows, "Mr Shores adduced no evidence in mitigation, and has not demonstrated any remorse or insight into his behaviour." In my judgement, the lack of evidence of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed, "The Panel considered that the possession by a teacher of an illegal and extreme pornographic image portraying sexual activity with an animal is quite plainly conduct that may bring the profession into disrepute." I am particularly mindful of the finding of illegal activity related to extreme pornographic material in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to 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 Shores. The panel has commented, "There were no previous disciplinary orders made against Mr Shores but there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector." The panel has noted that Mr Shores has not worked as a teacher since 2019.

A prohibition order would prevent Mr Shores from returning 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 seriousness of Mr Shores' online misconduct and the risk this poses to pupils. The panel has said, "Mr Shores had engaged in such conduct through his possession of the extreme pornographic image, and the Panel viewed this very seriously particularly given the illegal nature of that online activity and the period of time over which the illegal image was retained by Mr Shores." The panel has commented that whilst a caution was at the lower end of the sanctions for a criminal offence and would likely be disclosable as part of any DBS check, it did not believe "this mitigated against Mr Shores being an active risk to pupils and the public as part of the teaching profession."

I have also placed considerable weight on the panel's comments on the lack of evidence of insight or remorse.

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

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

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

I have considered the panel's comments, "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. For the reasons outlined above regarding the possible



extended interpretation of this wording to include indecent images more generally and therefore to capture extreme illegal pornographic material the Panel found that Mr Shores was responsible for such conduct.”

The panel has noted, “No mitigation was offered by Mr Shores, and given the nature of the behaviour in this case, the Panel was very concerned at the risk of repetition if Mr Shores was allowed to teach again in the future.”

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the offence for which Mr Shores received a police caution, the absence of evidence of either insight or remorse, and the risk of repetition.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Gary Shores 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 allegation found proved against him, I have decided that Mr Shores shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Gary Shores has a right of appeal to the King’s Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

**Decision maker: David Oatley**

**Date: 12 February 2024**

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