



Teaching
Regulation
Agency

Mr William Ottaway: Professional conduct panel meeting 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 William Ottaway
Teacher ref number:	0947895
Teacher date of birth:	4 October 1987
TRA reference:	18203
Date of determination:	19 February 2024
Former employer:	Rugby Free Secondary School, Rugby

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 February 2024 virtually, to consider the case of Mr William Ottaway.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Gill Lyon (teacher panellist) and Mrs Samantha Haslam (teacher panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Ottaway that the allegations be considered without a hearing. Mr Ottaway provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer or Mr Ottaway.

The meeting took place in private and was not recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 31 January 2024.

It was alleged that Mr Ottaway was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst a teacher at Southam College and/or Rugby Free Secondary School:

1. In or around 2015, on one or more occasions, you made contact with Pupil A via social media when you knew or ought to have known that [REDACTED] was [REDACTED] years old;
2. On one or more occasions between October 2018 and January 2019 you exchanged messages of a sexual nature with Pupil A;
3. On or around 20 December 2018 you had in your possession one or more indecent images of Pupil A;
4. On or around 20 December 2018, you sent Pupil A an indecent image of yourself;
5. Your conduct as set out in allegations 1, 2, 3 and 4 above, you failed to maintain appropriate professional boundaries.
6. Your conduct as set out in allegations 1, 2, 3, 4 and 5 above, was sexually motivated.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 3 to 5

Section 2: Notice of referral, response and notice of meeting – pages 6 to 19

Section 3: Statement of agreed facts and TRA submissions – pages 20 to 27

Section 4: Teaching Regulation Agency documents – pages 28 to 324

Section 5: Teacher documents – pages 325 to 329

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Ottaway on 8 January 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

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

Mr Ottaway was a cover science teacher at Bourne End Academy between October 2014 and July 2015. Pupil A was a pupil at the Academy.

On 26 February 2019, Pupil A made a disclosure about Mr Ottaway whilst [REDACTED], which in turn resulted in the police being informed and Mr Ottaway being arrested the following day. On 28 February 2019, Thames Valley Police made a referral to the TRA, which has resulted in these proceedings.

Findings of fact

The findings of fact are as follows:

- 1. In or around 2015, on one or more occasions, you made contact with Pupil A via social media when you knew or ought to have known that [REDACTED] was [REDACTED];**

In the statement of agreed facts, Mr Ottaway admitted this allegation in full. He accepted he knew the age of Pupil A [REDACTED], when [REDACTED] was [REDACTED]. He made contact with Pupil A 15 days after he had stopped working at the Academy on 5 August 2015 by using Facebook Messenger. Before the panel was a copy of that message, which read:

“Hey [Pupil A], I hope you don’t mind me messaging you? Just wondering how your Summer is going? Have you been up to much since school?”

Mr Ottaway and Pupil A continued to communicate with each other via various social media platforms up to 2019.

The panel was satisfied that Mr Ottaway’s admission to this allegation was unequivocal and consistent with the evidence before the panel. Accordingly, the panel found this allegation proved.

2. On one or more occasions between October 2018 and January 2019 you exchanged messages of a sexual nature with Pupil A;

In the statement of agreed facts, Mr Ottaway admitted this allegation in full. He accepted that as the messaging progressed with Pupil A, message topics included:

- “(i) Going on a date to the theatre;
- (ii) Whether they would share a hotel room;
- (iii) What Pupil A was wearing;
- (iv) Kissing;
- (v) Sexual touching;
- (vi) Different types of sexual intercourse;
- (vii) 'Sexting';
- (viii) What type of contraception Pupil A uses;
- (ix) Sexual fantasies.”

Before the panel were a number of messages which covered these listed topics. The panel was satisfied that Mr Ottaway’s admission to this allegation was unequivocal and consistent with the evidence before the panel. Accordingly, the panel found this allegation proved.

3. On or around 20 December 2018 you had in your possession one or more indecent images of Pupil A;

4. On or around 20 December 2018, you sent Pupil A an indecent image of yourself;

In the statement of agreed facts, Mr Ottaway admitted both Allegation 3 and 4 in full. It set out that:

“The Teacher and Pupil A exchanged one or more indecent Images of themselves on 20 December 2018, [i]ncluding the Teacher receiving a topless picture of Pupil A from Pupil A... [and] the Teacher sending an image containing his penis to Pupil A.”

Before the panel were the written messages between Mr Ottaway and Pupil A that took place over the course of 20 December 2018 and discussed sending explicit pictures to each other. Pupil A would have been aged around [REDACTED] at this time. The police had been able to locate both images during its investigation.

The panel was satisfied that Mr Ottaway’s admission to these allegations was unequivocal and consistent with the evidence before the panel. Accordingly, the panel found Allegation 3 and 4 proved.

5. Your conduct as set out in allegations 1, 2, 3 and 4 above, you failed to maintain appropriate professional boundaries.

In the statement of agreed facts, Mr Ottaway admitted this allegation in full.

The communications engaged by Mr Ottaway from the moment he made the first contact on social media had no basis in any ongoing educational needs for Pupil A. Mr Ottaway was under a professional duty both directly from the Teachers’ Standards and the policies of the Academy which prohibited him from engaging with Pupil A on a personal basis.

The panel was satisfied that Mr Ottaway breached these duties in all of his actions in Allegations 1 to 4. The panel was satisfied that Mr Ottaway’s admission to this allegation was unequivocal and consistent with the evidence before the panel. Accordingly, the panel found this allegation proved.

6. Your conduct as set out in allegations 1, 2, 3, 4 and 5 above, was sexually motivated.

In the statement of agreed facts, Mr Ottaway admitted this allegation in full. It set out:

“The Teacher accepts that the conduct as set out above in Particulars 1-5 was sexually motivated in that:

- a) As to Particular 1, he transferred his relationship with Pupil A onto social media messaging, in order to maintain and develop contact with Pupil A, in pursuit of sexual gratification or in pursuit of a future sexual relationship;
- b) As to Particulars 2, 3, and 4, he exchanged messages and images of a sexual nature in pursuit of sexual gratification or in pursuit of a future sexual relationship;

c) As to Particular 5, which refers itself to Particulars 1-4, he did not maintain professional boundaries in pursuit of sexual gratification or in pursuit of a future sexual relationship.”

The panel had seen the copies of the messages between Pupil A and Mr Ottaway and in particular noted latterly they were explicitly sexual in nature.

The panel was satisfied that Mr Ottaway’s admission to this allegation was unequivocal and consistent with the evidence before the panel of Mr Ottaway’s contact with Pupil A over a number of years. Accordingly, the panel found this allegation proved.

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

Having found 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 Ottaway in relation to the facts found proved involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Ottaway 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 Ottaway fell significantly short of the standards expected of the profession. Mr Ottaway himself recognised this and admitted his actions constituted unacceptable professional conduct.

The panel also considered whether Mr Ottaway’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. 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 found that the following offences were relevant:

- Sexual communication with a child;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents.

The panel noted that the allegations took place 'outside the education setting'. The panel considered Mr Ottaway's conduct both affected the way he fulfilled his teaching role and led to a pupil being exposed to or influenced by the behaviour in a harmful way. Mr Ottaway had exploited his position as a teacher to take advantage of a pupil who he knew was [REDACTED] for his own sexual gratification. The panel was therefore satisfied that Mr Ottaway's actions, although taking place outside the education setting, could still amount to unacceptable professional conduct.

Mr Ottaway was Pupil A's [REDACTED] at the Academy and knew that [REDACTED]. He was in a position of trust in relation to Pupil A which the panel found he had breached.

Taking account of these factors, the panel found that Mr Ottaway was guilty of unacceptable professional conduct.

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

The panel considered the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The public place a significant amount of trust on teachers to protect children from harm. Any teacher who uses their professional relationship to engage with a child for their own sexual gratification breaches the trust given by the public at the most fundamental level.

The panel therefore also found that Mr Ottaway's 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 should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct;

There was a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with a child. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ottaway were not treated with the utmost seriousness when regulating the conduct of the profession. The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Ottaway was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Ottaway.

- In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Ottaway. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:
- 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;
- abuse of position or trust (particularly involving pupils);

- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child, or permitting such activity, including one-off incidents;
- 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);

Of significant concern to the panel [REDACTED], which Mr Ottaway was aware of and appeared to utilise to further his relationship with [REDACTED].

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

The evidence before the panel showed that Mr Ottaway's actions were deliberate and that he was not acting under duress. The panel noted Mr Ottaway did not have any previous regulatory findings.

Mr Ottaway had engaged in the regulatory process and had provided a full response to the allegations.

Whilst Mr Ottaway did apologise and express remorse about what happened to Pupil A in his response, the panel considered these aspects appeared limited and much of the focus was on the impact the events had had on him, his career and his family.

The panel noted the positive character reference provided for Mr Ottaway, albeit the author was not able to speak to Mr Ottaway's teaching abilities and confirmed they were not aware of the purpose the reference was being called for.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would

unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Ottaway 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 Ottaway. The fact that Mr Ottaway's misconduct was at the more serious end of the spectrum and directly [REDACTED] was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;
- 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;

In light of the limited insight provided by Mr Ottaway, the panel considered there was an ongoing risk to children and the risk of repetition of similar misconduct found in this case was present. As a result of this factor and wider public interest factors set out in the Advice, the panel considered it was appropriate that no review period be recommended in this case.

The panel therefore recommended to the Secretary of State that a prohibition order without any provision for review should be imposed in this case.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Ottaway 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 Ottaway involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include one of sexually motivated behaviour towards a pupil, which included the sharing of an indecent image as well as sexually explicit messages.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 assessed 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 Ottaway, 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, “Mr Ottaway had exploited his position as a teacher to take advantage of a pupil who he knew [REDACTED] for his own sexual gratification.” 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 it sets out as follows, “Whilst Mr Ottaway did apologise and express remorse about what happened to Pupil A in his response, the panel considered these aspects appeared limited and much of the focus was on the impact the events had had on him, his career and his family.” In my judgement, the lack of evidence of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel record that it “...considered the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception. The public place a significant amount of trust on teachers to protect children from harm. Any teacher who uses their professional relationship to engage with a [REDACTED] their own sexual gratification breaches the trust given by the public at the most fundamental level.” I am particularly mindful of the finding of sexually motivated behaviour in this case and the potential negative 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 teaching 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 Ottaway himself. The panel record that it had noted "...the positive character reference provided for Mr Ottaway, albeit the author was not able to speak to Mr Ottaway's teaching abilities and confirmed they were not aware of the purpose the reference was being called for."

A prohibition order would prevent Mr Ottaway 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 very serious nature of the panel's findings, and particularly that of sexually motivated behaviour directed towards a pupil he [REDACTED]. I have also placed weight on the lack of evidence that Mr Ottaway has attained full insight into his behaviour and its impact on others.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ottaway 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, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

In doing so the panel has made reference to the Advice, which indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;
- 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;

I have considered the panel's conclusion that "In light of the limited insight provided by Mr Ottaway, the panel considered there was an ongoing risk to children and the risk of repetition of similar misconduct found in this case was present. As a result of this factor

and wider public interest factors set out in the Advice, the panel considered it was appropriate that no review period be recommended in this case.”

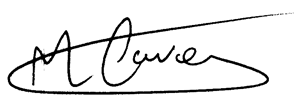
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the panel’s findings and the lack of evidence of full insight.

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 William Ottaway is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Ottaway 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 Ottaway 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 'M. Cavey', enclosed in a thin black rectangular border.

Decision maker: Marc Cavey

Date: 21 February 2024

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