



Teaching
Regulation
Agency

Mr Gilbert Antony: Professional conduct panel outcome

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

February 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	8
Documents	8
Witnesses	8
Decision and reasons	8
Findings of fact	9
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	16

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

Teacher:	Mr Gilbert Antony
Teacher ref number:	9248554
Teacher date of birth:	4 November1969
TRA reference:	21217
Date of determination:	26 February 2024
Former employer:	The Crypt School, Gloucester

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 26 February 2024, to consider the case of Mr Gilbert Antony.

The panel members were Ms Mona Sood (lay panellist – in the chair), Mrs Bernie Whittle (teacher panellist), and Mr Philip Thompson (teacher 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 Harriet Dixon of QEB Hollis Whiteman Chambers, instructed by Kingsley Napley solicitors.

Mr Gilbert Antony was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Amended Notice of Hearing dated 19 February 2024.

It was alleged that Mr Antony was guilty of having been convicted of a relevant offence, in that:

On 30 June 2022, he was convicted of:

1. Between 25 May 2022 and 28 June 2022 distributing indecent photographs, namely Category C indecent images of children contrary to Sections 1(1)(b) and 6 of the Protection of Children Act 1978;
2. On 28 June 2022 having in his possession indecent photographs, namely 144 Category C, of children contrary to Sections 160(1), (2A) and (3) of the Criminal Justice Act 1988; and
3. On 28 June 2022 possessing a prohibited image of children contrary to Sections 62(1) and 66(2) of the Coroners and Justice Act 2009.

On 18 July 2022, he was convicted of:

4. On 21 July 2020 distributing an indecent photograph, namely one Category B indecent image, of a child contrary to Sections 1(1)(b) and 6 of the Protection of Children Act 1987.

All of the allegations were admitted by the teacher. Further, the teacher also admitted that the facts set out in sub-allegations 1, 2 and 3 amounted to the conviction of a relevant offence.

The teacher did not state whether he admitted that the facts set out at sub-allegation 4 amounted to the conviction of a relevant offence, and therefore, this was taken as not admitted.

Preliminary applications

Late documents to be admitted

The presenting officer applied to admit two additional documents. Those documents were not served in accordance with the requirements of paragraph 5.36 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, updated May 2020 (“the Procedures”), and as such the panel was required to decide whether those documents should be admitted under paragraph 5.33 at its discretion.

The panel took into account the representations from the presenting officer to the admission of the documents.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case, particularly as they were relevant to the presenting officer's next application to proceed in the absence of the teacher. The panel noted that without these additional documents, it could not properly consider an application to proceed in the teacher's absence, as the documents were particularly important to the issue of whether notice was correctly served on the teacher in accordance with the Procedures.

The panel decided to admit the two additional documents.

Proceeding in absence

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

The panel was satisfied that TRA complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel considered whether the Notice of Hearing complied with paragraphs 5.23 and 5.24 of the Procedures. In particular, the panel noted that the teacher had been provided with less than 10 weeks' notice of the hearing, as usually required by paragraph 5.23 of the Procedures.

The panel noted that the allegations against the teacher had been drawn to the teacher's attention within three separate documents:

1. A Notice of Referral issued on 13 October 2023, which only referred to the first set of convictions dated 30 June 2022 ("the First Convictions");
2. A Notice of Hearing dated 19 January 2024, which only referred to the First Convictions; and
3. An Amended Notice of Hearing dated 19 February 2024, which referred to the First Convictions and also a further conviction dated 18 July 2022 ("the Additional Conviction").

The panel had sight of the Teacher's response to the Notice of Referral dated 18 October 2023 in the hearing bundle, in which the Teacher had agreed that the TRA could consider a shorter time period between the Notice of Hearing and the hearing than the 10 weeks required under paragraph 5.23 of the Procedures. The panel noted that under paragraph 1.5 of the Procedures, the Procedures may be waived or varied by agreement between the TRA and the Teacher prior to the commencement of a professional conduct panel hearing.

However, the panel was mindful that the teacher had not submitted a response to the Amended Notice of Hearing dated 19 February 2024. The panel was also mindful that the teacher may not have been aware that the Additional Conviction was being dealt with at the panel hearing, and that he had not strictly agreed to waive the requirement for the TRA to provide less than 10 weeks' notice in respect of the Amended Notice of Hearing.

The presenting officer presented to the panel two additional documents, which were admitted as late documents by the panel. The first document was a document that showed the teacher had signed for the delivery of the Amended Notice of Hearing dated 19 February 2024. The panel was therefore satisfied that the teacher had received the Amended Notice of Hearing and was aware that the Additional Conviction would be dealt with at the panel hearing.

In addition, the panel had sight of an attendance note of a telephone call that took place between a Senior Paralegal of Kingsley Napley solicitors and the teacher on 26 February 2024, prior to the start of the hearing. The panel noted from the attendance note that:

1. The teacher confirmed that he did not dispute the Additional Conviction and that he had received a conviction in respect of four offences in total;
2. The teacher confirmed that he retrospectively agreed to waive the 10 week notice period in respect of the Amended Notice of Hearing dated 19 February 2024; and
3. The teacher confirmed that he would not be attending the panel hearing and that he was content for the hearing to proceed in his absence.

The panel was satisfied that there were sufficient professional and regulatory safeguards in place to ensure that the telephone note could be relied upon as a true record of the telephone call that took place.

Therefore, the panel was satisfied that the teacher had agreed to a shorter notice period than the usual 10 weeks' notice required under paragraph 5.23 of the Procedures in respect of the Amended Notice of Hearing dated 19 February 2024.

The panel was also satisfied that the Notice of Hearing complied with paragraph 5.24 of the Procedures.

Therefore, 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 has to be exercised with the utmost care and caution, and that its discretion is 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 firstly took into account the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. In particular:

- i) The panel was satisfied that the Teacher was aware of the proceedings. The panel had sight of the Teacher's response to the Notice of Hearing dated 24 January 2024, and also the telephone note in which the teacher confirmed he had received the Amended Notice of Hearing dated 19 February 2024. The panel noted that the Teacher had indicated that he did not intend to be present at the hearing. The panel therefore considered that the Teacher waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place. The panel also concluded that for this reason, an adjournment would not result in the teacher attending voluntarily;
- ii) Within the Teacher's response to the Notice of Hearing dated 24 January 2024, the panel also noted that the teacher indicated that he did not intend to be represented at the hearing. The teacher also did not indicate that he intended to be represented following receipt of the Amended Notice of Hearing dated 19 February 2024;
- iii) The panel considered the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel noted that there were no representations made by the teacher in the bundle, nor was there any witness evidence. However, the panel also noted that the allegations were admitted. Further, the panel had not identified any significant gaps in the documentary evidence provided to it. The panel noted that in the event such gaps arose during the course of the hearing, it was able to take these gaps into consideration in determining whether the hearing was to be adjourned for such documents to become available, and in considering whether the presenting officer had discharged the burden of proof. The panel was able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account;
- iv) The panel considered the risk of reaching an improper conclusion about the absence of the teacher was low, given that the teacher had indicated in his

response to the Notice of Hearing, and during his telephone call with Kingsley Napley on 26 February 2024, that he did not intend to attend;

- i) 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; and
- ii) 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 the Teacher's express waiver of his right to appear, by taking such measures referred to above would address any unfairness that would be caused to him insofar as is possible. On balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of the hearing continuing as listed.

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 – page 3

Section 2: Notice of proceedings and Response – page 4

Section 3: Teaching Regulation Agency Documents – pages 18 to 94

In addition, the panel agreed to accept the following: (1) a proof of delivery document which was to be added at pages 95 to 96 of the bundle, and (2) an attendance note dated 26 February 2024 which was to be added at page 97 of the bundle.

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

Witnesses

The panel did not hear any oral witness evidence at the hearing.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Antony commenced his employment at The Crypt School (“the School”) as a Teacher on 1 September 2002.

On 28 June 2022, Mr Antony was arrested at the School for possessing an indecent image of a child on his phone. Mr Antony was suspended, pending investigation, on the same date.

On 30 June 2022, Gwent Police informed the School that Mr Antony had pleaded guilty to the offence of being in possession of indecent images of children and distributing them, which included one prohibited image.

On 4 July 2022, an Allegations Management Meeting, chaired by Gloucestershire LADO, was held.

On 14 July 2022, a Disciplinary Meeting was held. On 18 July 2022, Mr Antony was dismissed from the School for gross misconduct. On 3 November 2022, Mr Antony 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:

On 30 June 2022, you were convicted of:

- 1. Between 25 May 2022 and 28 June 2022 distributing indecent photographs, namely Category C indecent images of children contrary to Sections 1(1)(b) and 6 of the Protection of Children Act 1978;**
- 2. On 28 June 2022 having in your possession indecent photographs, namely 144 Category C, of children contrary to Sections 160(1), (2A) and (3) of the Criminal Justice Act 1988;**
- 3. On 28 June 2022 possessing a prohibited image of children contrary to Sections 62(1) and 66(2) of the Coroners and Justice Act 2009.**

This allegation was admitted by Mr Antony in his response to the Notice of Referral dated 18 October 2024, and in his response to the first Notice of Hearing dated 19 January 2024, which was returned on 24 January 2024.

The panel has seen the police report which confirmed the following facts: on 28 June 2022, a search warrant was executed at Mr Antony’s home address. Twenty seven devices were

seized from the address. On the same date, the police attended the School where Mr Antony consented to the search of his device. The search revealed indecent images of children ranging from the approximate ages of 10-18 years old. As a result of this search, Mr Antony was arrested on suspicion of Making Indecent Images of Children.

On 30 June 2022, Mr Antony pleaded guilty to the following offences: (1) Distributing indecent photographs or pseudo-photographs of children between 25 May 2020 and 28 June 2022, (2) possessing an indecent photograph or pseudo-photograph on 28 June 2022, and (3) possessing indecent images of children on 28 June 2022.

Mr Antony was convicted of all three offences on 30 June 2022.

On 18 July 2022, Mr Antony was sentenced at Newport Magistrates' Court to a concurrent four month prison sentence, suspended for two years. Mr Antony was also sentenced to a rehabilitation activity requirement for a period of 2 years, and an unpaid work requirement for a total of 180 hours within twelve months from the date of his conviction.

Mr Antony was also placed on the sex offenders' register for a period of 10 years.

Further, a sexual harm prevention order was made for a period of 10 years, under which Mr Antony is subject to a number of prohibitions relating to the ownership and management of a computer and/or other internet devices. Mr Antony is also prohibited from applying for, or holding, any employment or position (whether paid or voluntary) which involves the care, custody or control of any child under the age of 18.

The panel has seen the memorandum of conviction and accepted it as conclusive proof of the convictions and the facts necessarily implied by the convictions, as set out under paragraph 15 of the advice on Teacher Misconduct: The Prohibition of Teachers ("the Advice"). The panel has also seen an extract of the police national computer record confirming the conviction.

On 18 July 2022, you were convicted of:

- 4. On 21 July 2020 distributing an indecent photograph, namely one Category B indecent image, of a child contrary to Sections 1(1)(b) and 6 of the Protection of Children Act 1987.**

This allegation was admitted by Mr Antony during his telephone call with a Senior Paralegal from Kingsley Napley solicitors, prior to the commencement of the hearing, on 26 February 2024. The panel has had sight of an attendance note to confirm the contents of this call.

On 18 July 2022, Mr Antony pleaded guilty to distributing an indecent photograph, namely one Category B indecent image of a child on 21 July 2020.

Mr Antony was sentenced at Newport Magistrates' Court to a prison sentence for a period of 6 months, suspended for 2 years. Mr Antony was also sentenced to a rehabilitation

activity requirement for a period of 2 years, and an unpaid work requirement for a total of 180 hours within twelve months from the date of his conviction.

The panel has seen the memorandum of conviction and accepted it as conclusive proof of the convictions and the facts necessarily implied by the conviction, as set out under paragraph 15 of the Advice.

The panel therefore found all of the allegations proved.

Findings as to a conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to convictions of a relevant offence.

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

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect ...

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 noted that the individual's actions were relevant to teaching, working with children and working in an education setting. The panel noted that the offences committed were serious offences that involved young children. The panel noted that Mr Antony had admitted that he obtained sexual gratification from the images that were found on his own devices, which had involved children aged between 10-18 years old. The panel considered that this was harmful to children in an education setting.

The panel also noted from the police report that Mr Antony had accepted that he had received the appropriate safeguarding training at the School. The panel was satisfied that

Mr Antony was aware of the School's safeguarding policies and that his behaviour was contrary to all of these policies.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and security of pupils and members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Antony's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Antony was allowed to continue teaching.

The panel noted that Mr Antony's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence".

This was a case concerning an offence involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

These were particularly serious offences. Mr Antony admitted that he obtained sexual gratification from these images, and that he would sometimes masturbate to them. Mr Antony admitted to accessing child abuse material around four to five times a week and that he had been looking at these images for a year or two. Mr Antony also stated that he was interested in female children. The panel noted that Mr Antony pleaded guilty to all of the offences of which he was convicted.

The teacher chose not to adduce any evidence of mitigating circumstances.

The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct, so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 Antony 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 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 protection of other members of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of the possession and distribution of indecent images of young children aged 10 to 18 years old, and the fact that Mr Antony admitted obtaining sexual gratification from these images.

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

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

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;

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

- abuse or position of trust (particularly involving pupils);

- 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);

- violation of the rights of pupils;

actions or behaviours that ... undermine fundamental British values of ... the rule of law, individual liberty, and mutual respect ...; and
a deep-seated attitude that leads to harmful behaviour.

The panel noted that the indecent images that Mr Antony was found to have distributed and possessed did not involve any pupils who attended the School. In addition, Mr Antony stated upon being interviewed by police that he did not have sexual thoughts in relation to his own pupils and that he “disassociated” the children in the images from the children he taught. Mr Antony also stated that he sees the children that he teaches as “human beings” but that he did not view the children in the images as “real” children. However, the panel noted that some of the children involved in the images were real children, and were the same age as those taught by Mr Antony. Therefore, whilst Mr Antony did not abuse his position as a teacher in respect of his own pupils, and did not place those pupils at risk, he did abuse his trusted position as a teacher in respect of all other pupils and children.

The panel also found that Mr Antony failed in his duty to uphold the safety and welfare of pupils, including his own pupils, by not reporting the indecent images he had viewed online and instead continuing to view them over the course of 1-2 years.

The panel felt that Mr Antony demonstrated a deep-seated attitude within him, particularly as in a letter he wrote to the School on 9 July 2022, he stated that he had “tried to fight a darkness” inside of him.

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 the mitigation offered by the teacher and whether there were mitigating circumstances.

Mr Antony’s actions were deliberate.

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

There is no evidence of any previous convictions and there is no record of previous misconduct. However, the panel also did not see any evidence of Mr Antony having demonstrated exceptionally high standards in both his personal and professional conduct, or of having contributed significantly to the education sector.

No testimonial statements were adduced for the panel to consider.

The panel noted that all of the allegations were admitted by Mr Antony. The panel also noted that during the School’s disciplinary process, Mr Antony had accepted responsibility for his actions in relation to the allegations against him, and for the damage “done to all those I know”. Mr Antony had also entered a guilty plea in response to the charges against

him, which was taken into account when he was sentenced. However, the panel noted there was no additional mitigating evidence other than Mr Antony's guilty plea.

The panel did observe that in his police interview, Mr Antony stated that he felt guilty. Mr Antony also previously recognised that he should have sought help. Whilst the panel felt that Mr Antony expressed regret and guilt for his behaviour, the panel also felt that this was self-directed. The panel observed that there was limited expression of remorse or realisation of the impact of his behaviour on victims, children or the wider community. In particular, in his police interview, Mr Antony stated that he probably would have carried on offending had he not been stopped by the police. He also stated that when viewing indecent images of children, he did not see the children as people, and he tried not to think about the fact that children were being exploited.

It is also clear from the evidence presented that Mr Antony had engaged in the offending activity repeatedly, and for a significant period of time. The panel also took into account that the later conviction on 18 July 2022 involved a Category B image, which carries a higher degree of seriousness. The panel noted that all of the offences resulted in a suspended prison sentence.

The panel also took into account that, as a result of the sexual harm prevention order that was imposed, Mr Antony is prohibited from applying for or holding any position which involves the care, custody or control of any child under the age of 18 for a period of 10 years.

The panel 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 Antony 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 Antony. The fact that Mr Antony obtained sexual gratification from indecent images of children aged between 10-18 years old, which were the same ages as those pupils he taught at the School, was a significant factor in forming that opinion. In addition, the panel noted that this was not a one-off offence. In accessing images on four to five occasions weekly, there were over 144 images found following a police search of 27 different devices, which led to Mr Antony's convictions. 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. This case includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Antony was responsible for such activity, specifically in possessing and distributing indecent images of children.

Whilst the images found were not of pupils that were taught by Mr Antony, the panel felt that Mr Antony would still be a continuing risk to all young people.

Given the seriousness and repetitiveness of Mr Antony's offending, the panel was concerned that it had seen no evidence of Mr Antony's remediation. Whilst the panel had no reason to believe that Mr Antony was not engaging with the rehabilitation requirement imposed on him, there was not enough evidence that Mr Antony had demonstrated such insight to assure the panel that he would not engage in similar behaviours in the future. In particular, the panel took into account Mr Antony's admissions that: (i) he probably would have continued to offend had he not been caught by the police, (ii) that he obtained sexual gratification from the images he had viewed, and (iii) that he was interested in female children.

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 provisions 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 all of the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Antony is in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect ...

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 Antony 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 Antony fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a conviction for possessing and distributing indecent photographs of young children

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 a relevant conviction, 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 Antony, 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 noted that the individual's actions were relevant to teaching, working with children and working in an education setting. The panel noted that the offences committed were serious offences that involved

young children. The panel noted that Mr Antony had admitted that he obtained sexual gratification from the images that were found on his own devices, which had involved children aged between 10-18 years old. The panel considered that this was harmful to children in an education setting.” 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, “The panel did observe that in his police interview, Mr Antony stated that he felt guilty. Mr Antony also previously recognised that he should have sought help. Whilst the panel felt that Mr Antony expressed regret and guilt for his behaviour, the panel also felt that this was self-directed. The panel observed that there was limited expression of remorse or realisation of the impact of his behaviour on victims, children or the wider community. In particular, in his police interview, Mr Antony stated that he probably would have carried on offending had he not been stopped by the police. He also stated that when viewing indecent images of children, he did not see the children as people, and he tried not to think about the fact that children were being exploited.” In my judgement, the lack of full 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, “Mr Antony’s behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Antony was allowed to continue teaching.” I am particularly mindful of the finding of a conviction for possessing and distributing indecent images of children 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 a relevant conviction, 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 Antony himself. The panel has commented, “There is no evidence of any previous convictions and there is no record of previous misconduct. However, the panel also did not see any evidence of Mr Antony having demonstrated exceptionally high standards in both his personal and professional conduct, or of having contributed significantly to the education sector.”

A prohibition order would prevent Mr Antony 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 lack of insight or remorse. The panel has said "Given the seriousness and repetitiveness of Mr Antony's offending, the panel was concerned that it had seen no evidence of Mr Antony's remediation. Whilst the panel had no reason to believe that Mr Antony was not engaging with the rehabilitation requirement imposed on him, there was not enough evidence that Mr Antony had demonstrated such insight to assure the panel that he would not engage in similar behaviours in the future."

I have also placed considerable weight on the panel's findings about the seriousness and duration of the conduct for which Mr Antony was convicted. The panel has commented, "The fact that Mr Antony obtained sexual gratification from indecent images of children aged between 10-18 years old, which were the same ages as those pupils he taught at the School, was a significant factor in forming that opinion. In addition, the panel noted that this was not a one-off offence. In accessing images on four to five occasions weekly, there were over 144 images found following a police search of 27 different devices, which led to Mr Antony's convictions."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Antony 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 full 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. This case includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Antony was responsible for such activity, specifically in possessing and distributing indecent images of children."

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 offences for which Mr Antony was convicted and the lack of full insight and remorse.

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

This means that Mr Gilbert Antony 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 Antony 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 Gilbert Antony 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: 29 February 2024

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