



Teaching
Regulation
Agency

Dr Jon Axl Rivers: Professional conduct panel outcome

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

March 2024

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

Teacher: Dr Jon Axl Rivers

Teacher ref number: 1138606

Teacher date of birth: 19 March 1980

TRA reference: 19530

Date of determination: 22 March 2024

Former employer: The Green School for Girls, Isleworth

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened to consider the case of Dr Jon Axl Rivers on: 15 to 19 January 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT; 26 February to 1 March 2024 at Novotel London Waterloo, 113 Lambeth Road, London SE1 7LS; and 20 to 22 March 2024 on Microsoft Teams.

The panel members were Ms Julia Hyde (teacher panellist – in the chair), Mr Stephen Chappell (lay panellist), and Mr Dara Islam (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges instructed by Kingsley Napley LLP solicitors.

Dr Rivers was present and was not represented although he was supported by [REDACTED] Witness E.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 3 November 2023.

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

1. In or around October 2014, whilst employed as a Teacher at Mildenhall College he stored a pointed bladed article in an unlocked classroom drawer;
2. In or around 5 May 2019, provided inaccurate information in his application for employment at the Green School for Girls in that he answered 'no' to the question 'have you been the subject of any disciplinary action in your current or previous position or had any allegations made', when this was not the case;
3. His conduct at paragraph 2 was:
 - a) Dishonest; and
 - b) Demonstrated a lack of integrity.

Dr Rivers denied the allegations and denied that his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application for reasonable adjustments relating to Dr Rivers' [REDACTED]

During the hearing, Dr Rivers stated that he had [REDACTED]. At various intervals he stated that [REDACTED].

Dr Rivers did not produce any [REDACTED] evidence in respect of these matters, however the panel granted various adjustments including: (a) allowing Witness E to be present as a support (see below); (b) frequent breaks/adjournments; (c) permitting Dr Rivers to present his case in the way in which he wished to do so, notwithstanding that it was not in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures') or normal practice; and (d) [REDACTED].

Day 1: 15 January 2024

On the first day of the hearing, Dr Rivers raised five preliminary matters, as follows:

Application for the admission of additional documents

Dr Rivers brought sets of hard copy documents with him to the hearing and presented them to the panel and presenting officer. Each set of hard copy documents comprised of:

- A 625-page bundle of documents entitled “exhibit bundle”.
- A 315-page bundle of documents entitled “defence case submission for Tribunal”.
- A bundle of documents entitled “opening statement for defence” comprised of a 3-page opening statement, preliminary applications and documents relevant to the Dr Rivers’ preliminary applications.

The “exhibit bundle” and preliminary applications had been provided in advance of the hearing. Other documents, including the “defence case submission for Tribunal” and the “opening statement for defence”, had not.

Dr Rivers also brought two CD-ROMS which contained video footage of a [REDACTED] interview with him, which he intended for the panel to view during the course of the hearing.

The panel was satisfied that the additional documents and footage were relevant and added them to the documents it considered, in accordance with paragraph 5.34 of the Procedures.

Application for unredacted copy of witness statement to be used

The panel considered an application from Dr Rivers for an unredacted copy of Witness A’s [REDACTED] witness statement to be admitted as evidence.

The panel heard representations from Dr Rivers and the presenting officer in respect of the application. The presenting officer did not object to the admission of the unredacted copy of the witness statement.

The panel was satisfied that the unredacted copy of Witness A’s [REDACTED] witness statement should be admitted as evidence.

Application for discontinuance

Dr Rivers submitted a written application entitled “Notice of contempt for proceedings by prosecution & N1 application for costs” and provided oral submissions in respect of this application.

The application was effectively a discontinuance application; Dr Rivers asked the panel to discontinue the case and relied upon the following grounds:

- The process has been manipulated by the TRA and/or presenting officer firm in bad faith. In respect of this ground Dr Rivers primarily referred to separate High Court proceedings [REDACTED]. He asserted that the TRA and/or presenting officer firm had interfered with and influenced witnesses within the High Court and deliberately withheld evidence from the High Court which, he said, resulted in a miscarriage of justice.
- It was not possible for him to have a fair hearing on the basis that the TRA and/or presenting officer firm had not confirmed, in respect of allegation 2, what “allegations” it asserts Dr Rivers should have disclosed on his application form.

The presenting officer objected to the application. He submitted that there had been no abuse of process and Dr Rivers could have a fair hearing. He submitted that there was a clear prima facie case in respect of the allegations and Dr Rivers had been in receipt of the TRA’s documents, and therefore on notice of the TRA’s case, for some time.

The panel carefully considered the application, the submissions it heard and the legal advice it received.

In respect of the first element of Dr Rivers’ application, the panel noted the High Court proceedings were entirely separate to these proceedings. Insofar as the panel was aware, the TRA and presenting officer firm were not interested parties in those proceedings. There was no evidence before the panel that the TRA and/or presenting officer firm had influenced or manipulated the High Court proceedings or, indeed, had any material involvement in the High Court proceedings. The panel was not therefore persuaded that these proceedings should be discontinued on the grounds that the TRA and/or presenting officer firm had interfered with or withheld evidence from the High Court proceedings.

In respect of the second element of Dr Rivers’ application, the panel considered it unhelpful that the TRA had not clarified allegation 2 in advance of, or during, the hearing. The panel also considered it unfortunate that, as a result of this, Dr Rivers had spent a considerable amount of time collating numerous documents on the basis that allegation 2 might refer to all conceivable “allegations”.

Whilst the panel considered allegation 2 could have been set out more clearly, it was satisfied that the TRA’s case was sufficiently clear and that it had been understood by Dr Rivers. The panel did not consider this issue sufficiently serious so as to undermine the fairness of the hearing or offend its sense of justice. The panel also noted Dr Rivers’ rigorous preparation of his case which, in the panel’s view, meant he was in a position to understand and defend the case put by the TRA.

The panel did not grant Dr Rivers' application for discontinuance.

Application for special measures

The panel considered a special measures application from Dr Rivers to allow an independent person to cross examine him on behalf of the TRA on the basis that he felt intimidated by the presenting officer, Mr Bridges.

The panel was aware that, under paragraph 5.103 of the 2020 Procedures, it may adopt such measures as it considers appropriate to safeguard the interests of a vulnerable witness.

The panel noted that paragraph 5.102 of the 2020 Procedures states: *"A person is a vulnerable witness if the quality of the person's evidence is likely to be adversely affected at a professional conduct panel hearing, including any medical or physical impairment and if the witness requires special consideration..."*. The panel also noted paragraph 5.102(v) refers to a witness who complains of intimidation.

The panel heard representations from Dr Rivers and the presenting officer in respect of the application. The presenting officer objected to the application.

The panel understood that Mr Bridges, was attending the hearing in his professional capacity as an advocate presenting the TRA's case on its behalf. It understood he was subject to professional regulation himself.

It appeared to the panel that Dr Rivers' assertion of "intimidation" related to the way in which the TRA had put its case, rather than any specific conduct from Mr Bridges. It noted that any substitute advocate on behalf of the TRA would find themselves in the same position presenting the case in accordance with the TRA's instructions.

At the point at which it determined this application, the panel had observed Mr Bridges and Dr Rivers for over half a day. In the panel's view, Mr Bridges had behaved in a professional and courteous manner during that time. He and Dr Rivers had been involved in constructive engagement and Dr Rivers did not appear to be visibly intimidated or negatively affected by Mr Bridges presence. In fact, Dr Rivers had been actively engaging in the hearing and presenting his case in a forthright manner.

The panel was satisfied that sufficient and appropriate safeguards were already in place, for Dr Rivers, namely: the presence of [REDACTED] Witness E, as a source of support; the ability of the panel and legal adviser to intervene should any concerns arise; and the ability to have frequent breaks when required.

The panel did not grant Dr Rivers' application for special measures.

Application for Witness E to act as a witness and support to Dr Rivers

Dr Rivers was supported at the hearing by [REDACTED] Witness E. Dr Rivers told the panel that the TRA process [REDACTED] had [REDACTED] such that he required Witness E to support him. Dr Rivers informed the panel that he also intended Witness E to act as a witness on his behalf.

The panel was aware that paragraph 5.94 of the 2020 Procedures states that a witness may not be present in the hearing until the witness has completed giving evidence, and the panel has determined that it is unlikely to be necessary to recall the witness, unless the panel directs otherwise.

The presenting officer did not object to Witness E supporting Dr Rivers (and therefore remaining in the hearing throughout) and also acting as a witness.

The panel considered the representations it heard from both parties. It acknowledged that this was an unusual situation; the usual procedure is that a witness may not be present in the hearing until they have given evidence. However, the panel took account of the support Witness E was providing Dr Rivers [REDACTED]. In the circumstances and on this basis, the panel directed that Witness E could remain in the hearing to support Dr Rivers and also give witness evidence.

Day 3: 17 January 2024

Application for the admission of additional documents

On the third day of the hearing, Dr Rivers submitted an application to admit two documents, namely:

[REDACTED]

Dr Rivers submitted that it was necessary to adduce these documents as evidence as a result of evidence given by Witness A on the previous day. Dr Rivers asserted that the documents demonstrated that her evidence was unreliable.

The presenting officer did not object to the admission of the documents.

The panel agreed to admit these documents as evidence.

Application for admission of CD-ROM into evidence

As outlined above, on the first day of the hearing, Dr Rivers brought with him two CD-ROMS which contained footage of his [REDACTED] interview. He indicated that his intention was for the panel to view this footage on the basis that he said it demonstrated

that information included in a statement from Individual A (contained in the TRA Bundle) was not accurate. He indicated that the video was around 2 to 3 hours long.

On the second day of the hearing, Dr Rivers proposed an alternative to save time for the panel. He provided a transcript of the CD-ROMs and suggested that the panel and presenting officer might wish to consider the transcript instead, albeit with the option of also viewing the footage if it was felt necessary to do so. The panel was grateful to Dr Rivers in providing this solution, and the presenting officer did not object to the proposal. Accordingly, the panel admitted the transcript as evidence.

Both the panel and the presenting officer had the opportunity to consider the transcript and determine whether they wished to view the video footage on the CD-ROMS. Having considered the transcript, both the panel and the presenting officer were content to proceed without viewing the video footage.

Day 4: 18 January 2024

Application for discontinuance on the grounds of bad faith

On the fourth day of the hearing, Dr Rivers raised a further issue with the panel. He asserted that he had been subject to cruel, degrading and inhumane treatment and felt he was being denied the right of a fair hearing. He made it clear that he was not criticising the panel or legal adviser but raised the following matters:

- He had seen the presenting officer shaking hands with an individual employed by the TRA.
- He said that the TRA's witnesses had been guided to make false statements.
- He made various points about the evidence before the panel.

The panel heard submissions from the presenting officer and legal advice.

The panel concluded that it was not inappropriate for the presenting officer to have shaken the hand of a TRA employee. The panel was satisfied that this was not outside the bounds of a professional relationship. The panel also noted that Dr Rivers did not provide any evidence to support his assertion of bad faith.

The panel was mindful that it had already considered and determined a discontinuance application from Dr Rivers. The panel advised Dr Rivers that he could make these points in his closing submissions.

Day 5: 19 January 2024

Adjournment

The hearing was initially listed for five days in Coventry. By the fourth day of the hearing, the TRA's witnesses had given evidence and Dr Rivers had given evidence in chief. The

intention was to spend the fifth day of the hearing dealing with the cross examination of Dr Rivers, panel questions of Dr Rivers and, if there was sufficient time, hearing Witness E's evidence.

Unfortunately, Witness E was unwell on the morning of the fifth day of the hearing and was unable to join the hearing or support Dr Rivers. The panel was mindful that Dr Rivers would require the support of Witness E during cross examination, given that the presenting officer would be referring Dr Rivers to documents contained within the bundles and Dr Rivers had told the panel [REDACTED]. The panel therefore proposed to adjourn the hearing and suggested reconvening in April.

Dr Rivers became [REDACTED] if the hearing were adjourned to April, due to [REDACTED]. He requested that the reconvened hearing take place on an earlier date in London. [REDACTED].

The panel went to considerable efforts to agree dates for the hearing to be reconvened as soon as possible and directed that the reconvened hearing should take place in London. The panel decided to adjourn the hearing on the morning of Friday, 19 January 2024 to be reconvened from 26 February to 1 March 2024 in London.

Day 6 and 7: 26 and 27 February 2024

On the sixth and seventh day of the hearing (26 and 27 February 2024), after he had been released from oath, Dr Rivers made three applications. Dr Rivers provided two bundles of documents in respect of these applications. The first bundle was comprised of 65 pages and contained two applications: "*Emergency application to adduce [REDACTED] defence brief*"; and "*Concern over prosecution solicitor application*" and supporting documentation. The second bundle was comprised of 253 pages and entitled "*Second additional emergency defence application*" and contained a written application of 27 pages, followed by documentation that Dr Rivers applied to admit as evidence.

In addition to the written applications, Dr Rivers also provided oral submissions in respect of the applications.

Application for the admission of additional documents

The first application "*Emergency application to adduce [REDACTED] defence brief*" was a written application to admit the two [REDACTED] documents that were admitted on the third day of the hearing, following an oral application from Dr Rivers. The panel noted that the documents had already been admitted as evidence on the third day of the hearing.

The third application entitled "*Second additional emergency defence application*" was an application to admit the 253-page bundle of documents. The panel heard submissions from the presenting officer who did not object to the admission of these documents.

In respect of the third application, the panel agreed to admit the 253-page bundle of documents as evidence.

Application for discontinuance

The second application entitled “*Concern over prosecution solicitor application*” was effectively a further discontinuance application. In summary, Dr Rivers asserted that:

- The process had been manipulated by the TRA and/or presenting officer and/or Kingsley Napley LLP and that the TRA and/or presenting officer and/or Kingsley Napley LLP had withheld and/or concealed evidence in connection with Dr Rivers’ separate High Court claim.
- The TRA and/or the presenting officer and/or Kingsley Napley LLP had engaged in improper behaviour and/or had a conflict of interest and/or fiduciary relationship in respect of the matter and/or parties connected with the matter which had not been disclosed.
- He had given his testimony during cross examination under duress.
- The actions of the TRA and/or presenting officer and/or Kingsley Napley LLP meant that he has been [REDACTED].
- It was not possible for him to have a fair hearing.

Dr Rivers also referred to paragraph 2.3 of the Teacher misconduct: Disciplinary procedures for the teaching profession April 2018 (“the 2018 Procedures”): “*The TRA will not investigate cases where it is alleged that a teacher is guilty of incompetence or cases where the Secretary of State has no jurisdiction (for example, if the teacher has never taught in a relevant setting in England, even if they have taught or are teaching in another jurisdiction or setting). If the case should have been referred to another regulatory body or other organisation, the TRA will contact that body as soon as possible to forward the relevant information*”. Dr Rivers asserted that this paragraph required and/or enabled the panel to make referrals to: HM Courts & Tribunal Service; [REDACTED]; and the Solicitors Regulation Authority.

The panel heard submissions from the presenting officer who objected to the application and the assertions made by Dr Rivers. The panel also heard legal advice.

The panel did not grant Dr Rivers’ application for discontinuance.

The panel did not consider that the evidence before it supported the assertions made by Dr Rivers in respect of the TRA, presenting officer and/or Kingsley Napley LLP. The panel did not consider that the points raised by Dr Rivers undermined his ability to have a fair hearing, nor did they offend the panel’s sense of justice.

In respect of Dr Rivers’ submissions regarding paragraph 2.3 of the 2018 Procedures, the panel understood that the 2020 Procedures applied to this case given the date of the

referral. In any event, the panel reminded itself of its fact specific task, namely to consider and determine the allegations against Dr Rivers. The panel was of the view that paragraph 2.3 of the 2018 Procedures referred to the ability of the TRA to contact another regulatory body or organisation concerning the teacher, where appropriate. The panel did not consider it was required by paragraph 2.3 of the 2018 Procedures to make referrals to other bodies, nor was that its role in these proceedings.

After this decision was communicated to Dr Rivers on 27 February 2024, he left the hearing and provided a written statement indicating his discontent. The panel decided to adjourn the hearing to allow Dr Rivers time to reflect. Dr Rivers returned the following day (28 February 2024) and elected to join the hearing via Microsoft Teams from a different room within the hearing venue, supported by Witness E. Dr Rivers rejoined the hearing in person on 29 February 2024, again supported by Witness E.

Day 8: 28 February 2024

Application for discontinuance

Dr Rivers made further submissions to the panel on 28 February 2024 which were in the same vein as the discontinuance application referred to above.

The panel heard submissions from the presenting officer and legal advice. The panel decided that Dr Rivers' submissions were, effectively, a repetition of the discontinuance application the panel had already determined.

Day 9: 29 February 2024

Application for discontinuance

Dr Rivers made a further application for discontinuance on 29 February 2024. Dr Rivers told the panel that he had discovered something significant on the evening of 28 February 2024. Dr Rivers provided the panel with documents and submissions asserting unfairness involving conflicts of interest and prejudice, summarised as follows:

- A printed copy of a newspaper article [REDACTED]. The article concerned an unrelated employment tribunal claim. Dr Rivers contended that the article was relevant on the basis that it referred to a member of staff from Suffolk County Council who had attended a LADO meeting/LADO meetings relevant to him. He said that the article demonstrated that the staff member and/or Suffolk County Council were manufacturing reasons to dismiss people.
- A printout from Babergh and Mid Suffolk District Councils which he said demonstrated that the same member of staff from Suffolk County Council was a [REDACTED] for Babergh and Mid Suffolk. Dr Rivers asserted this meant the staff member was Witness E's [REDACTED].

- A contact information sheet for schools from Suffolk County Council. The contact sheet showed the same staff member referred to above who had attended a LADO meeting/LADO meetings. It also showed another individual who Dr Rivers believed to be his [REDACTED]. Dr Rivers said [REDACTED] two years before the LADO meetings began and believed the LADO meetings had been manipulated by this person.

The panel heard submissions from the presenting officer and legal advice. The panel concluded that the information Dr Rivers had provided was not relevant to the proceedings, nor did it in any way taint the proceedings. The panel remained confident that Dr Rivers could receive a fair hearing, and its sense of justice was not offended. The panel did not grant the discontinuance application.

Days 9 and 10: 29 February and 1 March 2024

The public hearing adjourned on 29 February 2024 at which point the parties had concluded their cases and made closing submissions.

On 1 March 2024 the panel deliberated privately in respect of whether the allegations were proven and whether any proven allegations amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The matter was listed to reconvene virtually on 20 March 2024 at 2pm for the panel's decision to be announced. 21 and 22 March 2024 were set aside in the event that they were required to consider mitigation and sanction.

Day 11: 20 March 2024

Application for the admission of documents

On 5 March 2024, Dr Rivers wrote to the TRA. His letter was headed "*urgent need to disclose to panel due to evidence of criminal action impacting on decision of Teacher Misconduct Panel*". He enclosed documents with the letter.

The panel was provided with the letter and documents, which it noted had been provided during the intervening period between the panel concluding its deliberations on 1 March 2024 and reconvening on 20 March 2024 to announce its decision.

The panel noted that Dr Rivers had been given the opportunity to present his case between 15 and 19 January and 26 and 29 February 2024 and had put substantial documentation before the panel (including documentation that the panel agreed to accept as late evidence at various points in the proceedings).

The panel decided that it would not be fair to admit the documents on the basis that the parties had concluded the presentation of their cases and the panel had concluded its

deliberations in respect of the allegations and unacceptable professional conduct and conduct that may bring the profession into disrepute. This was communicated to the parties when the hearing reconvened on 20 March 2024.

“Notice of [REDACTED]”

When the hearing reconvened on 20 March 2024, Dr Rivers indicated that he wished to read out a notice and make the panel aware of [REDACTED].

The panel noted Dr Rivers’ request but determined that the next stage in the proceedings was the announcement of the decision. The Chair proceeded to announce the panel’s decision.

On the basis that the panel, presenting officer and legal adviser were not aware of the nature of the “notice” Dr Rivers wished to read out, the panel provided Dr Rivers with the opportunity to provide the documentation after the hearing adjourned for the day on 20 March 2024 so that it could be considered before the hearing reconvened on 21 March 2024. Dr Rivers declined.

Day 12: 21 March 2024

“Notice of [REDACTED]”

On the morning of 21 March 2024, Dr Rivers indicated his wish to read out the notice he had prepared.

The panel permitted Dr Rivers to do so. The panel also permitted Witness E to read out a statement on behalf of Dr Rivers. The submissions and statement related to Dr Rivers’ dissatisfaction with the TRA, the process, the panel’s decision and the panel, presenting officer and legal adviser.

Dr Rivers indicated that he wished to read out [REDACTED] in respect of the matter.

The panel provided the presenting officer the opportunity to make submissions and the panel took legal advice.

The panel noted the submissions from Dr Rivers and the statement read out by Witness E but considered that the issues raised related to matters already considered and determined by the panel in its announced decision.

The panel noted that Dr Rivers had been provided the opportunity to present his case during the course of the hearing. The panel had granted reasonable adjustments and enabled Dr Rivers to present his case in the manner he wished, notwithstanding that it departed from normal practice. The panel had also considered five applications for discontinuance from Dr Rivers.

The panel was advised that it was not the appropriate body, nor was it the appropriate forum to hear [REDACTED] from Dr Rivers in respect of this matter. [REDACTED]. In light of this, the panel concluded that it would not be appropriate for Dr Rivers to address it on [REDACTED].

Conflict of interest

It was noted that, in a holding notice from Dr Rivers dated 21 March 2024, he asserted that there was a serious conflict of interest in respect of one panel member, *[the panellist]*.

Dr Rivers provided submissions in respect of this assertion and a PowerPoint presentation.

The PowerPoint presentation contained a screenshot of [REDACTED].

It also contained details of the [REDACTED] who appeared on behalf of [REDACTED] involving the bladed article. Dr Rivers submitted that one or more of those [REDACTED] was employed by or otherwise affiliated with [REDACTED]. Dr Rivers was unable to provide any actual evidence of bias but appeared to suggest that *[the panellist]* was conflicted due to [REDACTED] possible association with [REDACTED].

The presenting officer made the point that [REDACTED]. The presenting officer provided additional written and oral submissions.

The legal adviser gave advice in respect of this matter.

[The other panellists] considered this matter. *[The panellist]* recused *[themselves]* on the basis that it related to *[them]*.

The panel was referred to the best for establishing bias as set out in *Porter v Magill [2002] 2AC 357*: “*The question is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Tribunal was biased*”.

The panel was also referred to *McCarthy v Bar Standards Board [2017] EWHC 969* which considered the independence and impartiality of the Chairman of a disciplinary tribunal of the Council of the Inns of Court and noted the following extract: “*However, in my view, it is an integral part of judicial work to hear and determine a case without fear or favour, setting aside personal preferences and loyalties. Unsurprisingly, this task becomes easier with experience. Just as, for example, experienced barristers can represent a client effectively, even when they privately dislike the individual or disapprove of his conduct. The fair-minded and informed observer would know that these professional standards "are part of a legal culture in which ethical behaviour is expected and high ethical standards are achieved" (per Sales LJ in Watts). There was no evidence*

that the high ethical standards of the judiciary had been breached by HH Judge Hammerton.”

[The other panellists] were satisfied that there was no conflict of interest or bias in respect of *[the panellist]*. They were satisfied that the fair minded and informed observer would reach the same conclusion. They were satisfied that it was appropriate for *[the panellist]* to continue as a panel member.

Summary of evidence

Documents

The panel considered the following documents:

- A bundle of documents from the TRA comprised of 174 pages:
 - Section 1: Chronology and list of key people – pages 4 to 6
 - Section 2: Notice of hearing – pages 7 to 13
 - Section 3: TRA witness statements – pages 14 to 27
 - Section 4: TRA documents – pages 28 to 174
- ‘TRA Bundle’
- Documents provided by the teacher:
 - A 625-page bundle of documents entitled “exhibit bundle”.
 - A 315-page bundle of documents entitled “defence case submission for Tribunal”.
 - A bundle of documents entitled “opening statement for defence” comprised of a 3-page opening statement, preliminary applications and documents relevant to the teacher’s preliminary applications.
 - An email from the University of Suffolk dated 10 January 2024.
 - A letter from Suffolk County Council Legal Services to the High Court dated 15 June 2022.
 - A letter from Individual B to the [REDACTED] dated 20 August 2020.
 - Seven audio files.
 - Two video files of [REDACTED] footage.

- Two CD-ROMS containing footage of a [REDACTED] interview.
- A transcript of the [REDACTED] interview contained on the CD-ROMS.
- [REDACTED].
- [REDACTED].
- A 253-page bundle of documents entitled “second additional emergency defence application”.

‘Teacher Bundle’

The panel members confirmed that they had read all of the documents referred to above. The panel did not view the CD-ROMS containing the [REDACTED] interview on the basis that Dr Rivers provided a transcript, which the panel read.

The panel also received written closing submissions from the presenting officer and from Dr Rivers.

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A, [REDACTED] at Mildenhall College Academy
- Witness B, [REDACTED] at the Green School Trust
- Witness C, [REDACTED] of Mildenhall College Academy

The panel heard oral evidence from the following witnesses called by the teacher:

- Dr Rivers
- Witness D, a Health and Safety training consultant
- Witness E, [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision. In considering this matter, the panel took account of all of the information before it, including extensive documentation provided by Dr Rivers. Whilst the panel reviewed this information, it noted that much of it did not touch on the specific issues before the panel. The panel’s decision

is in respect of the specific allegations and the information and documentation relevant to those allegations.

By way of background, Dr Rivers (then known as Dr Abbott) joined Mildenhall College as a newly qualified teacher in June 2012.

In/around July 2013, Mildenhall College joined the Academy Transformation Trust and became Mildenhall College Academy. Dr Rivers' employment transferred to the Academy Transformation Trust under the Transfer of Undertakings (Protection of Employment) Regulations 2006. In this decision, reference to "the Academy" includes Mildenhall College, Mildenhall College Academy and the Academy Transformation Trust.

Between November 2012 and October 2014 Dr Rivers was invited to attend fact finding meetings at the Academy relating to allegations about his conduct.

On 22 October 2014, a meeting was held with Dr Rivers and his trade union representative. The context of this meeting was the disputes Dr Rivers had had with other members of staff, his conduct generally and the relationship of mutual trust and confidence between Dr Rivers and the Academy. At this meeting, the Academy offered Dr Rivers a [REDACTED] and Dr Rivers was placed on paid leave whilst he considered the [REDACTED].

On 23 October 2014, in light of his absence, Dr Rivers' classes were covered by colleagues. During one lesson, a pupil stated that Dr Rivers had a meat cleaver in his desk drawer. A meat cleaver was found in the unlocked drawer of the teacher's desk in Dr Rivers' classroom.

The Academy reported the matter to [REDACTED].

On or around 7 November 2014, Dr Rivers was suspended from the Academy pending an investigation.

[REDACTED].

[REDACTED].

On 15 September 2015, 1 April 2016, 13 April 2016 and 22 September 2016 LADO strategy meetings took place regarding Dr Rivers.

In 2016, Dr Rivers brought an Employment Tribunal claim against the Academy.

On 1 September 2016 Dr Rivers left his employment at the Academy by way of [REDACTED].

[REDACTED].

Between January 2017 and 2019 Dr Rivers was employed at: Glyn High School; Ravensbourne School; Chelsea Academy; and Bacon's College.

In September 2019 Dr Rivers commenced employment at The Green School for Girls ("the School").

On 30 April 2020, the School received a telephone call advising it of concerns raised by [REDACTED] to the LADO in respect of Dr Rivers. This was following a [REDACTED] disclosure requested by [REDACTED].

LADO meetings were held on 6 May 2020, 13 May 2020 and 20 May 2020.

In September 2020, a referral was made to the TRA in respect of Dr Rivers by the School.

Findings of fact

The findings of fact are as follows:

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

1. In or around October 2014, whilst employed as a teacher at Mildenhall College you stored a pointed bladed article in an unlocked classroom drawer;

The panel was provided, in the TRA Bundle, with a black and white photograph of a page within a lever arch file. The page contained a photograph of a meat cleaver, an angled ruler and a piece of paper with the words "SEB/3". It appeared to the panel to be a photograph [REDACTED].

[REDACTED]

The TRA's case was that, on or around 23 October 2014, the meat cleaver was discovered in an unlocked drawer of the teacher's desk in Dr Rivers' classroom. The TRA's case was that Dr Rivers had stored the meat cleaver in the drawer. The presenting officer submitted that the meat cleaver was a "pointed bladed article" in that it had a blade which came to a point.

The panel considered the oral evidence and witness statement of Witness A, [REDACTED] at the Academy. Witness A submitted that, on 23 October 2014, Dr Rivers was not present at school, and his lessons were being covered by various teachers. She stated that the last period of the day was covered by two teachers, Individual C and Individual D. Witness A recalled that she was sitting in her office at the end of the day, and Individual D came in and informed her that she had found something concerning in Dr Rivers' desk drawer and wanted to show her.

Witness A submitted that when she opened the drawer, she saw a meat cleaver. She stated that the meat cleaver was not in any sort of protective casing but simply placed at the top of the drawer. Witness A expressed that she was shocked as Dr Rivers had no reason to have such a blade at school and, if he did want to bring one in, there were various processes to follow.

Witness A stated that Individual D explained to her that during the lesson they had been hurrying the children to finish their work, and one of the children commented that Dr Rivers used a “machete” to encourage them to finish their work. She stated that Individual D and Individual C had initially brushed off the comment but one of the children told them to open the desk drawer. Witness A explained that she put the meat cleaver in a plastic science tray, covered it with paper and went to find Witness C.

The panel considered the oral evidence and witness evidence of Witness C, [REDACTED] of the Academy. Witness C explained that a meeting was held on 22 October 2014 at which Dr Rivers was offered [REDACTED] to leave his employment with the Academy.

Witness C explained that, on 23 October 2014, Witness A approached her with a covered science tray. Witness C stated that Witness A asked her to look in the tray, so she removed the sheets of paper and saw a meat cleaver. She stated that Witness A informed her she had found it in an unlocked desk drawer in Dr Rivers’ classroom.

Witness C stated that she reported this to the LADO the same day, and shortly after she attended a strategy meeting which was held by the LADO. She submitted that the [REDACTED] attended this meeting [REDACTED].

Witness A submitted that Dr Rivers had not sought permission to have the meat cleaver in his classroom. She explained that the science department does use bladed items, but such items are risk assessed and held by the science technicians in the prep room until required for a lesson. She said that the science technicians would “count out” and “count back in” any bladed items and remain in the classroom during the lesson for safety purposes. She submitted that a meat cleaver was not used in the Academy’s science lessons whilst she was there.

This position was supported by Witness C who explained that for Dr Rivers to have this item on site a risk assessment would need to be carried out, and he would initially need to go and speak to Witness A. She stated that if it was agreed, the item would need to be stored somewhere secure where the children could not access it. Witness C submitted that even if it was the case that Dr Rivers had permission to use the meat cleaver following a risk assessment, it is the role of the science technicians to keep and store the equipment safely.

Dr Rivers' case was, firstly, that there was no confirmation that the item that was found belonged to him. He submitted that no witness identified him with the item. He accepted that he had brought a bladed article to the Academy but described it as a "vegetable chopper" which was 6 inches long. He said that the item that was discovered was 12 inches long. He appeared to suggest that, in his absence, the meat cleaver may have been planted in his drawer.

In the alternative, Dr Rivers submitted that:

- [REDACTED] confirmed that he had permission and lawful authority for the bladed item;
- the bladed item was a *"tool of his profession"* and therefore used legitimately in that Dr Rivers used it to teach the "jam sandwich method", a lesson designed to teach pupils about setting out an accurate scientific method. Dr Rivers explained that pupils would write out instructions to make a jam sandwich, which Dr Rivers would then act out using bread, jam, butter and a variety of bladed implements to cut the sandwich;
- Individual E, [REDACTED] at the Academy, stated in a handwritten witness statement included in the Teacher Bundle: *"In my opinion the safest place was to store such items in the teacher's desk"*;
- he had tacit permission in respect of the bladed item from Individual F, who he said was [REDACTED] at the Academy. In support of this submission Dr Rivers referred the panel to a text message from Individual F in which he stated *"Used your jam sandwich method yesterday when ofsted [sic] observed. The [sic] loved it"*; and
- he had complied with relevant health and safety regulations. Dr Rivers referred to the witness evidence of Witness D who stated: *"In my opinion for a teacher to store a bladed item which is used on a regular basis in a teacher's desk drawer is perfectly acceptable"*.

The panel considered the evidence before it and both parties' submissions. It was accepted by both parties that Dr Rivers was employed as a teacher at Mildenhall College Academy in October 2014. Similarly, there was no dispute that the desk drawer in Dr Rivers' classroom did not have a lock and was therefore unlocked.

The panel considered the image of the bladed article and concluded that there was a natural point at the end of the blade.

The panel proceeded to consider whether Dr Rivers stored the pointed bladed article in the unlocked classroom drawer.

The panel considered the transcript of Dr Rivers' [REDACTED] interview, [REDACTED] on 10 November 2014. During the interview, Dr Rivers referred to the bladed article as the "meat cleaver". When asked to describe the meat cleaver, he stated: *"...I believe it's a steel blade... article and it's got a, a black handle err and I believe with a couple of brass rivets in it, basically attaching the handle to the, to the article."* The panel found this description consistent with the image of the meat cleaver in the TRA Bundle.

The panel also noted that, during the [REDACTED] interview, Dr Rivers described bringing the meat cleaver into school in his rucksack and accepted storing it in the desk drawer. Furthermore, the panel took account of following extracts contained in a [REDACTED] report in the TRA Bundle [REDACTED]:

- *"A number of children have been spoken to and have confirmed seeing teh [sic] meat cleaver during lessons..."*
- *"He recalled seeing the meat cleaver during a biology lesson."*
- *"[the pupil] recalled that he had seen the meat cleaver about 4/5 times in the past. [Dr Rivers] had got it out of the drawer in his desk and displayed it to the class making some joke that he could no longer remember. He also recalled that [Dr Rivers] had left it out laying on his desk area."*
- *"Both witnesses described [Dr Rivers] as displaying the meat cleaver in a lesson whilst telling the class to be quiet, chopping the cleaver down onto his desk at the same time."*

The panel was not persuaded by Dr Rivers' submissions in respect of allegation 1. The suggestion that the meat cleaver did not belong to him and/or had been planted in the drawer by another individual lacked credibility and was contradicted by the contemporaneous evidence [REDACTED] and Dr Rivers' alternative submissions regarding the use of the blade.

The panel was satisfied that Dr Rivers had stored the meat cleaver in the unlocked desk drawer.

There was no evidence before the panel that Dr Rivers had been given permission to keep the meat cleaver in his unlocked desk drawer. The panel did not agree that Individual F's text message regarding the use of the "jam sandwich method" amounted to tacit approval in respect of the use of the meat cleaver or any other particular instrument.

[REDACTED].

The panel did not find Witness D's evidence compelling. He was not a witness of fact, nor did he have any particular credentials regarding education and safeguarding. He accepted in cross examination that he had never visited the Academy and that his witness evidence was based primarily on information given to him by Witness E. The panel did not agree with Witness D or Individual E that it would be appropriate to keep a bladed article in an unlocked desk drawer in a classroom.

The panel accepted that it was likely Dr Rivers had used the bladed article for educational purposes. However, it was of the view that Dr Rivers could have taught the "jam sandwich method" using a different and less dangerous blade. Alternatively, he could have used an alternative format; Witness A referred to teaching the same lesson by making a cup of tea as opposed to making a jam sandwich. In the event that a bladed item was used, the panel would have expected any such blade to have been kept securely in the prep room and risk assessed.

The panel concluded that it was patently inappropriate and dangerous to store a bladed item in an unlocked desk drawer in a classroom and it was a cause of concern that Dr Rivers did not appreciate this. Furthermore, Dr Rivers' conflicting accounts did not in any way acknowledge that it was not appropriate to possess or store such an item in an unlocked drawer in a school classroom.

The panel found allegation 1 proven.

2. In or around 5 May 2019, provided inaccurate information in your application for employment at the Green School for Girls in that you answered 'no' to the question 'have you been the subject of any disciplinary action in your current or previous position or had any allegations made', when this was not the case;

The TRA Bundle contained a copy of the application form Dr Rivers submitted to the School on or around 5 May 2019. The panel noted that, at the end of the application form, in a section headed "declarations", Dr Rivers answered "no" to the question: "*Been subject to any disciplinary action in your current or previous positions or had any allegations made*".

There was also a section headed "confirmed data to be accurate" which read: "*I certify to the best of my knowledge and belief the information given in this application is true and accurate. I understand that if the information is false or misleading it will disqualify me from my appointment or after appointment could lead to a disciplinary action or dismissal. I acknowledge that where this form is submitted electronically and without a signature, electronic receipt of this form by the employer will be deemed equivalent to submission of*

a signed version and will constitute confirmation of the declaration.”. Dr Rivers had checked the box to indicate his agreement to this declaration.

The panel considered the oral evidence and witness statement of Witness B, [REDACTED] at the School. Witness B explained that on the 30 April 2020, she was contacted via telephone by the [REDACTED] of the London Borough of Hounslow. She was informed of potential safeguarding concerns regarding Dr Rivers and some historic allegations, which were raised by [REDACTED] to the LADO, following a [REDACTED] request.

Following this, Witness B engaged in multi-agency meetings and reviewed Dr Rivers’ job application, his interview notes, pre-employment checks and his employment record with the School. Witness B confirmed that Dr Rivers had not, at any point, brought to the School’s attention details of any substantiated or unsubstantiated safeguarding or other allegations which had previously been made against him.

Witness B stated that she would have expected any such information to be disclosed on the application form. Witness B further stated that she believed the information Dr Rivers had given on his application form was inaccurate and untrue on the basis that it appeared he had been the subject of allegations.

It was accepted by both parties that Dr Rivers had not been subject to any disciplinary action. However, the TRA’s case was that “allegations” had been made against Dr Rivers which should have been disclosed on his application form to the School.

The presenting officer submitted that Dr Rivers should have disclosed: the [REDACTED] allegation of possessing a bladed/pointed article on school premises; allegations before the LADO which Dr Rivers was aware of by 2016; and the fact that he was subject to [REDACTED] allegations between August 2016 and July 2018.

Dr Rivers’ case was that:

- He was not subject to any allegations.
- An allegation must comprise of four independent parts: (a) a formal statement of complaint made by an aggrieved party; (b) the aggrieved party or Claimant; (c) the causative party or Respondent; and (d) it cannot have been considered and shown as false.
- The word “allegation” should be construed as an allegation arising in a disciplinary context on the basis that the words “disciplinary action” preceded the word “allegation”. Dr Rivers submitted that, in contract law, this was “*ejusdem generis*” and the correct test to legally interpret a contract or application. This meant, in his submission, that where there are general words following particular and specific

words, general words must be confined to things of the same kind as those specifically mentioned. On this basis, Dr Rivers' case was that "*any allegations made*" had to relate to "*disciplinary*" allegations.

- In light of the above, he was not required to disclose anything in response to the question: "*Been subject to any disciplinary action in your current or previous positions or had any allegations made*".

The panel considered the parties' submissions.

The panel concluded that the word "allegation" should be given its ordinary English meaning which the panel considered was a statement or assertion that somebody had done something wrong.

The panel also concluded that the wording of the application form required Dr Rivers to disclose details of any "allegations". The panel did not accept Dr Rivers' submission that the wording meant he only needed to disclose allegations that had formed part of a formal disciplinary procedure.

Having reached these conclusions, the panel moved on to consider whether Dr Rivers had been subject to any "allegations".

Academy and LADO

The panel noted that the Teacher Bundle contained letters from the Academy to Dr Rivers as follows:

- A letter dated 29 April 2013 inviting Dr Rivers to a formal fact finding meeting as part of an investigation [REDACTED].
- A letter dated 19 March 2014 inviting Dr Rivers to attend an investigation meeting on 2 April 2014 which stated: [REDACTED]. The letter confirmed the meeting was a fact finding meeting that did not form part of a formal disciplinary procedure.
- A letter dated 3 October 2014 inviting Dr Rivers to attend an investigation meeting on 8 October 2014 which stated: [REDACTED]. The letter confirmed the meeting was a fact finding meeting that did not form part of a formal disciplinary procedure.

The Teacher Bundle also contained an email from Dr Rivers' trade union representative, Individual G, dated 5 May 2016 in which he stated: "*I represented Jon on several occasions, including fact finding meetings, but none of the issues were progressed to the formal discipline process to the best of my knowledge.*". Individual G had also prepared a chronology setting out the meetings he attended with Dr Rivers within which he stated:

“For the past two years and two months I have been involved in representing Jon on several various incidents” and referred to the following:

[REDACTED]

The panel noted that the TRA Bundle contained notes of LADO strategy meetings on:

- 15 September 2015: the meeting was convened to discuss the [REDACTED] proceedings in respect of the meat cleaver and the notice [REDACTED] which was issued on 14 September 2015.
- 1 April 2016: the meeting was convened following a telephone call the Academy had received from [REDACTED].
- 13 April 2016: the meeting was a follow up meeting in respect of the above matters.
- 22 September 2016: the meeting was convened to discuss a request from Dr Rivers to amend the findings of previous LADO meetings from “substantiated” to “unsubstantiated”. The meeting notes indicated that Witness E made a complaint to Suffolk County Council on behalf of Dr Rivers’ in respect of the LADO findings and met with representatives from Suffolk County Council on 6 May 2016. Witness E sent a further letter towards the end of May 2016 and, on 9 and 10 August 2016 Dr Rivers protested outside Suffolk County Council’s offices.

The Teacher Bundle contained a letter from Suffolk County Council to Dr Rivers dated 7 October 2016 which stated:

- *“The conclusion from the discussion was that records from previous LADO meetings should not be changed – they simply represent an accurate reflection of expressed concerns at the time”*
- *“Should any approach be made in future to the local authority for information about you from either potential employers or regulatory/professional organisations, the response will be that:*
 - *You were the subject of LADO meetings*
 - *You disagreed with the outcomes*
 - *Any concerns were insufficient to warrant a [REDACTED] referral*
 - *You left the [Academy] with a positive reference.”*

The panel was satisfied that Dr Rivers was aware of the LADO allegations in 2016 and therefore aware of the allegations when he completed the application form on 5 May 2019.

The panel was further satisfied that the matters considered by the Academy and LADO amounted to “allegations” that should have been disclosed on Dr Rivers’ application form to the School. The panel noted that: the letters from the Academy dated 19 March 2014 and 3 October 2014 specifically referred to “allegations”; the chronology from Dr Rivers’ trade union representative also referred to “allegations”; and the LADO meeting minutes made reference to “allegations”.

[REDACTED]: the bladed article

The panel was satisfied that the matter involving the meat cleaver as described in allegation 1 amounted to an allegation; Dr Rivers had been subject to a [REDACTED] allegation in respect of this matter.

Further the panel noted that whilst this was investigated [REDACTED], it took place whilst he was a teacher at the Academy. It was reported to [REDACTED] by the Academy and the witnesses were members of staff from the Academy. The [REDACTED] investigation took primacy over any allegation the Academy wished to investigate. Dr Rivers was suspended on or around 7 November 2014 and a school investigation commenced but was not proceeded with. Matters were overtaken [REDACTED].

Whilst the panel took account of the notice [REDACTED], it was aware that a different allegation was before [REDACTED]. The panel was concerned with findings matters of fact relating to the allegations before it on the balance of probabilities and considering the facts proved against the framework of the Teachers’ Standards and safeguarding principles. In respect of allegation 2, the panel was principally concerned with the issue of non-disclosure and it was of the view that Dr Rivers should have disclosed the matter on his application form to the School and explained the wider circumstances [REDACTED].

[REDACTED]: other matters

The Teacher Bundle contained extracts from [REDACTED] relating to Dr Rivers. These documents indicated that between 2016 and 2018 Dr Rivers was the subject of [REDACTED] allegations [REDACTED]. [REDACTED] did not take any further action in respect of these allegations.

Witness B told the panel that the question in the application form was drafted widely in order to capture any safeguarding concerns. The panel was conscious of this and of the need not to over-interpret the wording on the form where it requested disclosure of any allegations made. The panel adopted a common sense approach. It noted that the matters referred to above were [REDACTED]. [REDACTED].

Dr Rivers submitted that allegations were made up and not true. However, the panel did not have to assess whether the allegations were true but whether they should have been disclosed as part of his application to the School.

The panel noted one of the matters related to [REDACTED] towards Witness C. On the basis that those allegations related to conduct towards another employee, the panel was satisfied that Dr Rivers' should have disclosed this information on his application form to the School. Whilst the panel again took account of the fact that no further action was taken in respect of [REDACTED], if Dr Rivers had adopted a full, frank and open approach in respect of the application form, he would have disclosed this information.

However, in respect of the allegations relating to [REDACTED], the panel considered that the nexus between this conduct and Dr Rivers' professional status as a teacher was less clear.

The panel was mindful that schools seek information regarding allegations on job application forms to consider the suitability of an applicant and to assist with their safer recruitment checks. As such, it is important that schools are provided with relevant information in this regard.

The panel concluded that Dr Rivers provided inaccurate information on his application form to the School on the basis that he answered 'no' to the question '*have you been the subject of any disciplinary action in your current or previous position or had any allegations made*' when this was not the case. The panel found Dr Rivers had been the subject of allegations in respect of the meat cleaver, the Academy/LADO allegations and the allegations of [REDACTED], which should have been disclosed.

The panel found allegation 2 proven.

3. Your conduct at paragraph 2 above was;

- a) Dishonest**
- b) Demonstrated a lack of integrity**

Dr Rivers submitted that he had (and continues to have) a reasonable and legitimate belief that there were no allegations to disclose. He referred to the fact that:

- He did not believe there were any "allegations" and/or he believed the allegations derived from his time at the Academy were "false" and had been "fabricated" by Witness C.
- [REDACTED].
- He had taken the Academy to an Employment Tribunal and [REDACTED].
- [REDACTED].

- [REDACTED].
- He included the [REDACTED] of the Academy as an “additional referee” on the application form.
- He said he sought advice from various people including an MP, barristers and a local councillor who indicated there was nothing for him to disclose.

The presenting officer submitted that it was irrelevant: that Dr Rivers [REDACTED] regarding the bladed article; [REDACTED]; and whether or not the LADO allegations were substantiated. He referred to Witness B's evidence that the question in the application form was drafted widely in order to capture any safeguarding concerns and submitted that Dr Rivers' conduct in deciding not to disclose the allegations was dishonest and lacked integrity.

The panel considered whether Dr Rivers had acted dishonestly. In reaching its decision on this, the panel considered the cases of *Ivey v Genting Casinos (UK) Ltd t/a Crockford* and *Wingate & Anor v The Solicitors Regulation Authority*.

The panel first sought to ascertain the actual state of Dr Rivers' knowledge or belief as to the facts and, secondly, considered whether his conduct was dishonest by the standards of ordinary decent people.

In considering Dr Rivers' knowledge or belief as to the facts, the panel had regard to his submissions (as outlined above). However, the panel did not find the submissions compelling.

The panel noted that, in cross examination, Dr Rivers stated that he spent two or three days considering whether he needed to disclose any information to the School on the application form.

Dr Rivers said that it was a difficult decision and, at the time he submitted the application form in 2019, he took counsel from [REDACTED]. This was in contrast to the action Dr Rivers took following [REDACTED] concerning the bladed article where he did seek assurances about what information Suffolk County Council [REDACTED] held on him which would be detrimental to his future employment prospects. Whatever assurances Dr Rivers received in this regard, none of those who engaged with him were putting themselves in Dr Rivers' position in respect of a future job application in 2019.

There was no evidence before the panel that Dr Rivers provided the School's application form wording to those individuals to seek such advice. Similarly, there was no evidence before the panel that Dr Rivers received professional advice not to disclose details of any allegations made against him on his application form to the School. In any event, the panel was of the view that it was Dr Rivers' professional responsibility to make such disclosures and he could not subcontract this responsibility to others.

The panel considered the [REDACTED] but did not conclude that [REDACTED] prevented Dr Rivers from disclosing the allegations to the School. [REDACTED].

However, [REDACTED] would not have prevented Dr Rivers from disclosing the allegations to the School. He could have made such a disclosure without [REDACTED].

The panel noted that Dr Rivers had put the Academy as a third additional referee on the application form. It did not appear that this reference was taken up. In any event, the reference would have been in the agreed standard format of which Dr Rivers would have been aware. This agreed reference was of a general nature and did not comment on the allegations or the circumstances leading to the ending of Dr Rivers' employment with the Academy. In addition, a reference is a qualitatively different piece of information that a prospective employer needs when contrasted with the obligation to make the disclosure as set out on the application form. The panel did not consider that the inclusion of the Academy as a referee negated Dr Rivers' obligations in respect of disclosure, and nor did it mean he had acted honestly and with integrity.

The panel paid particular regard to the fact that, during cross examination, Dr Rivers stated that if he had made disclosures, no school would have employed him (or words to that effect). The panel concluded that Dr Rivers had made a conscious decision not to disclose the allegations, and that he did so on the basis that he thought he would not obtain employment had he disclosed them.

The panel concluded that Dr Rivers had deliberately chosen to withhold this information from the School and, in doing so, knew there were some allegations that should have been disclosed. The panel found that Dr Rivers chose not to disclose the information because he thought it would reduce his chance of gaining employment.

The panel was satisfied that Dr Rivers' conduct was dishonest according to the standards of ordinary decent people. When asked whether there had been allegations made against him he answered 'no' when this was not the case and, in cross examination, he stated that no school would have employed him had he disclosed this information.

The panel was satisfied that Dr Rivers conduct as found proven at allegation 2 was dishonest.

The panel went on to consider whether Dr Rivers had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel was mindful that Dr Rivers was in a privileged and trusted role as a teacher, yet he had chosen not to be open and honest when submitting his application form to the School. In doing so, he had deprived the School of the opportunity to consider his past history before deciding whether to employ him. The panel considered the importance of pre-employment checks in the education sector and the obligation on teachers to engage with those checks in a transparent and honest matter.

The panel considered that Dr Rivers had failed to act within the higher standards expected of a teacher by his conduct as set out at allegation 2. The panel was satisfied that Dr Rivers' conduct, as found proven, lacked integrity.

The panel found allegation 3 proven.

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 Dr Rivers, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Dr Rivers 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
 - 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 Dr Rivers' conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. It was not acceptable for a teacher to have stored a meat cleaver in an unlocked desk drawer in a classroom. Similarly, it was not acceptable for a teacher to act dishonestly and without integrity by failing to disclose previous allegations when applying for a job.

Accordingly, the panel was satisfied that Dr Rivers 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 that they behave.

The findings of misconduct against Dr Rivers are serious, and the conduct displayed would be likely to have a negative impact on his status as a teacher, potentially damaging the public perception.

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

Having found the facts of allegations 1, 2, 3(a) and 3(b) proved, the panel further found that Dr Rivers' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that 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: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel's findings against Dr Rivers involved: storing a bladed article in an unlocked classroom drawer; providing inaccurate information on his application form for employment at the School; dishonesty; and a lack of integrity. In light of these findings, there were strong public interest considerations present which the panel had to balance against the interests of Dr Rivers.

The panel was of the view that there was a strong public interest consideration in declaring and upholding proper standards and conduct. The panel concluded that Dr Rivers' conduct was outside that which could reasonably be tolerated. It was not acceptable for a teacher to be dishonest on a job application form. Similarly, it was inappropriate for a teacher to store a bladed article in an unlocked classroom drawer.

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

The panel also found there was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given that Dr Rivers was dishonest on his job application form which denied the School the opportunity to consider all of the relevant circumstances in line with safer recruitment principles before deciding whether to employ him.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Dr Rivers. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Dr Rivers. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty or a lack of integrity;

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

The panel found that Dr Rivers' actions were deliberate.

There was no evidence to suggest that Dr Rivers was acting under extreme duress. In fact, the panel found Dr Rivers' dishonest conduct in providing inaccurate information on his application form to the School to be calculated and motivated for the reasons outlined in this decision.

There was no evidence that Dr Rivers demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

The panel found that Dr Rivers demonstrated a consistent lack of insight and remorse and limited self-reflection. Whilst he indicated that he would not store a bladed article in a school now, he suggested that this was in order to protect himself and because he considered there had been changes in regulations. He did not appear to appreciate the

serious nature of his conduct or the standards to which he was subject as a member of the teaching profession.

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 Dr Rivers of prohibition.

The panel was mindful that members of the teaching profession are subject to higher standards. The role of a teacher is an influential one. It is a position of trust. The public and pupils expect members of the teaching profession to maintain an exemplary level of integrity and ethical standards at all times.

The panel found that Dr Rivers fell significantly short of upholding those standards. The panel considered that the duty on teaching professionals to act with honesty and integrity was of particular importance. This extends to providing full and frank disclosure in respect of relevant issues to education institutions when applying for a job, in order to enable those institutions to satisfy their obligations in respect of safeguarding and recruitment checks.

The panel found that Dr Rivers deliberately withheld information from the School on his application form because he thought it would reduce his chance of gaining employment. The panel found this to be calculated and motivated conduct on the part of Dr Rivers for personal gain.

Similarly, the panel found that Dr Rivers stored a bladed article in an unlocked desk drawer which was inappropriate and represented a potential safeguarding risk.

In view of these factors, the panel concluded that Dr Rivers' conduct was at the more serious end of the spectrum and that the public interest considerations outweighed the interests of Dr Rivers

The panel therefore decided that prohibition was both proportionate and appropriate.

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.

Paragraph 50 of the Advice indicates that, where a case involves certain behaviours, it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel did not find any of these behaviours to be relevant.

Paragraph 51 of the Advice indicates that, where a case involves certain behaviours, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. The panel noted that the list includes serious dishonesty, which the panel found to be relevant in this case as a result of Dr Rivers' deliberate dishonesty.

The panel was also concerned about the risk of repetition, particularly in respect of the provision of inaccurate information on job application forms. The panel was not satisfied that Dr Rivers would provide appropriate full, frank and open disclosures in connection with a job application, and it was mindful of the need to protect the public interest in this regard.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 5-year 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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Dr Jon Axl Rivers should be the subject of a prohibition order, with a review period of 5 years.

In particular, the panel has found that Dr Rivers 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

- 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 finds that the conduct of Dr Rivers fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include findings of: storing a bladed article in an unlocked classroom drawer; providing inaccurate information on an application form for employment at a school; and dishonesty and a lack of integrity.

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 Dr Rivers, 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, "It was not acceptable for a teacher to have stored a meat cleaver in an unlocked desk drawer in a classroom." The panel has also observed that "Dr Rivers was dishonest on his job application form which denied the School the opportunity to consider all of the relevant circumstances in line with safer recruitment principles before deciding whether to employ him." 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, "Dr Rivers demonstrated a consistent lack of insight and remorse and limited self-reflection. Whilst he indicated that he would not store a bladed article in a school now, he suggested that this was in order to protect himself and because he considered there had been changes in regulations. He did not appear to appreciate the serious nature of his conduct or the standards to which he was subject as a member of the teaching profession." In my judgement, the lack 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 findings of misconduct against Dr Rivers are serious, and the conduct displayed would be likely to have a negative impact on his status as a teacher, potentially damaging the public perception." I am particularly mindful of the findings of storing a bladed article in an unlocked classroom drawer and providing inaccurate information on an application form for employment 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 Dr Rivers himself. The panel has commented, "There was no evidence that Dr Rivers demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector."

A prohibition order would prevent Dr Rivers 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 and the risk of repetition. The panel has said that it was "concerned about the risk of repetition, particularly in respect of the provision of inaccurate information on job application forms. The panel was not satisfied that Dr Rivers would provide appropriate full, frank and open disclosures in connection with a job application, and it was mindful of the need to protect the public interest in this regard."

I have also placed considerable weight on the finding of the panel that Dr Rivers' conduct was at the more serious end of the spectrum. The panel found that "Dr Rivers deliberately withheld information from the School on his application form because he thought it would reduce his chance of gaining employment. The panel found this to be calculated and motivated conduct on the part of Dr Rivers for personal gain." I have also placed considerable weight on the finding of the panel that "Dr Rivers stored a bladed

article in an unlocked desk drawer which was inappropriate and represented a potential safeguarding risk.”

I have given less weight in my consideration of sanction therefore, to the contribution that Dr Rivers 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 a 5-year review period.

I have considered the panel’s comments, “Paragraph 51 of the Advice indicates that, where a case involves certain behaviours, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. The panel noted that the list includes serious dishonesty, which the panel found to be relevant in this case as a result of Dr Rivers’ deliberate dishonesty.”

I have considered whether a 5-year 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 2-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the findings, the dishonesty and lack of integrity found, and the lack of either insight or remorse.

I consider therefore that a 5-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Dr Jon Axl Rivers is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 4 April 2029, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Dr Rivers remains prohibited from teaching indefinitely.

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

Dr Jon Axl Rivers 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: 26 March 2024

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