



Teaching
Regulation
Agency

Mr Thomas Sherlock: Professional conduct panel meeting outcome

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

April 2024

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

Teacher:	Mr Thomas Sherlock
Teacher ref number:	1771213
Teacher date of birth:	14 July 1994
TRA reference:	21008
Date of determination:	30 April 2024
Former employer:	Ormiston SWB Academy, Bilston

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 30 April 2024 by way of a virtual meeting, to consider the case of Mr Sherlock.

The panel members were Ms Hannah Fellows (lay panellist – in the chair), Ms Cathy Logan (teacher panellist) and Mr Dara Islam (lay panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

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

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 28 March 2024.

It was alleged that Mr Sherlock was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at Ormiston SWB Academy:

1. From around 26 September 2021, he engaged in personal communication with Pupil A, a former pupil of the School.
2. From around October 2021, he engaged in a sexual relationship with Pupil A.

Mr Sherlock admitted the particulars of allegations 1 and 2 and that his behaviour amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute, as set out in the statement of agreed facts, signed by Mr Sherlock on 3 March 2024, and subsequently by the presenting officer on 11 March 2024.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 7
- Section 2: Notice of referral, response and notice of meeting – pages 8 to 25
- Section 3: Statement of agreed facts and presenting officer representations – pages 26 to 31
- Section 4: TRA documents – pages 32 to 167
- Section 5: Teacher documents – pages 168 to 173

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Sherlock on 3 March 2024, and subsequently signed by the presenting officer on 11 March 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

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

Mr Sherlock was employed as Head of Geography and teacher of Geography at Ormiston SWB Academy, Bilston ('the School') from 1 July 2018.

On 15 March 2022, a former pupil of the School, Pupil A, requested a meeting with Individual B, [REDACTED], at the School. Pupil A had been a pupil of the School between [REDACTED]. Mr Sherlock taught Pupil A when she was in years [REDACTED], and he was also her [REDACTED]. Pupil A informed Individual B that she and Mr Sherlock had been engaging in a consensual sexual relationship since 12 November 2021.

In March 2022, Mr Sherlock was suspended from employment at the School.

On 31 March 2022, a Position of Trust ('PoT') meeting took place with the LADO to determine the next steps. The LADO advised the School not to conduct an internal investigation until they had received an update from the police.

On 17 May 2022, the School received an update from the LADO. The police were uncertain as to the outcome of their investigation and the School was told to continue with their internal investigations/seek further disclosure as to the allegations. The School were informed by [REDACTED] that Mr Sherlock and Pupil A had allegedly been in contact since Mr Sherlock's suspension.

On 19 May 2022, the School conducted an internal investigation interview with Mr Sherlock, during which he admitted that he had communicated with Pupil A on numerous platforms, external of his School email address.

On 4 July 2022, Mr Sherlock resigned from his post as Director of Geography.

On 21 July 2022, the School's disciplinary panel decided that a dismissal would have occurred should Mr Sherlock not have resigned.

On 28 July 2022, the School referred Mr Sherlock to the TRA.

On 16 October 2023, a case to answer decision was made.

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. From around 26 September 2021, you engaged in personal communication with Pupil A, a former pupil of the School

The panel considered the signed statement of agreed facts and noted that Mr Sherlock admitted the particulars of allegation 1. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered the notes of the School's investigation interview with Pupil A, dated 27 May 2022. The notes of the interview indicated that:

- Pupil A stated that she had been in communication with Mr Sherlock since leaving the School. She said that communication started with emails in October 2021, starting with Mr Sherlock's work email and then through his personal email which he gave to her. Pupil A stated that she initiated communication.
- Pupil A expressed that she and Mr Sherlock did not communicate through social media but communicated through outlook, email, WhatsApp and iMessage, and discussed how they were doing. Pupil A explained that the nature of their relationship changed during this communication in that texts became flirty.
- Pupil A stated that initially she and Mr Sherlock spoke every day and then this reduced to about twice a week.
- Pupil A stated that the last time she had been in communication with Mr Sherlock was around December 2021/January 2022. She stated that they had not communicated since she had informed staff at the School about their communications, and that she had been blocked by Mr Sherlock on everything.

The panel considered the notes of the School's investigation interview with Mr Sherlock, dated 19 May 2022. The notes of interview indicated that:

- Mr Sherlock stated that Pupil A contacted him just before Easter of 2022 to ask if he was ok. He stated that Pupil A initiated contact.

- Mr Sherlock stated that he and Pupil A communicated via email, social media and WhatsApp, and had general conversations about school and life in general.
- Mr Sherlock explained that Pupil A reached out to him after seeing a TikTok of him and subsequent tweets. He stated that all communications were after Pupil A had left the School.
- Mr Sherlock stated that communication was sporadic, maybe monthly.
- Mr Sherlock explained that communication started professional and then changed to personal. He stated that he does take responsibility for putting himself in a difficult position.
- Mr Sherlock confirmed that he was aware of the code of conduct which sets out *'7.1 staff must not engage in conduct outside work which could damage the reputation and standing of the Academy or the employee's own reputation or the reputation of other members of the school community'*.
- Mr Sherlock was told that as part of the investigation, it had been alleged that communication had continued. Mr Sherlock stated that there had been no communication between himself and Pupil A and that he had blocked emails etc.

The panel considered the notes of the School's investigation interview with Individual C, [REDACTED], dated 27 May 2022. [REDACTED]. The notes of the meeting indicated that:

- Individual C explained that Pupil A had emailed a teacher requesting an extension to her homework deadline as she claimed that there had been an incident with the police and so she had not completed her homework.
- Individual C said that she met with Pupil A on a wellbeing basis and asked her what was going on. Pupil A disclosed the relationship between her and Mr Sherlock and told Individual C that her sister had found out and threatened to expose them if Pupil A did not report it to the School.
- Individual C explained that Pupil A disclosed that she had reported the relationship to the School, and it had been reported by the police who had dropped the case. She stated that Pupil A informed her that the communication started when she emailed Mr Sherlock after seeing a TikTok of him and he responded to her email. Individual C explained that Mr Sherlock asked Pupil A if they could communicate another way and suggested Instagram.

The panel considered Mr Sherlock's written representations provided in connection with the School's disciplinary procedure, where he stated that he made a due diligence and conduct mistake and would not have replied to any form of personal contact by Pupil A if

he fully understood that he would fundamentally be in breach of the School's code of conduct. He submitted that his mistake was assuming that as Pupil A was no longer a student at the School, he did not have any professional duty of care.

The panel found allegation 1 proven.

2. From around October 2021, you engaged in a sexual relationship with Pupil A.

The panel considered the signed statement of agreed facts and noted that Mr Sherlock admitted the particulars of allegation 2. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered the notes of the School's investigation interview with Pupil A, dated 27 May 2022. The notes of the interview indicated that Pupil A stated she and Mr Sherlock had a consensual sexual relationship. The panel noted that Pupil A had refused to sign the interview notes, however, it was satisfied that the content of the notes was consistent with Mr Sherlock's admissions in the statement of agreed facts and other contemporaneous evidence.

The notes also indicated that Pupil A stated that she had been to Mr Sherlock's house, and that he had come and picked her up.

The panel considered the notes of the School's investigation interview with Mr Sherlock, dated 19 May 2022. The notes of the interview indicated that Mr Sherlock stated that he and Pupil A never had a physical/ sexual relationship and that Pupil A had never been to his house.

The panel considered the notes of the School's investigation interview with Individual C, dated 27 May 2022. The notes of the interview indicated that:

- Pupil A had disclosed to Individual C that she and Mr Sherlock had a consensual sexual relationship and she had visited his house. Individual C stated that Pupil A said she felt guilty she had ruined his career and the relationship fizzled out.
- Individual C stated that Pupil A refused to give her phone to the police and stated that they used timed WhatsApp messages so that they deleted.
- Pupil A explained to Individual C that she and Mr Sherlock had communicated since this was first brought to the attention of the police. She stated that Pupil A said Mr Sherlock has blocked and unblocked her on social media but communicates via WhatsApp.

The panel considered Mr Sherlock's written representations provided in connection with the School's disciplinary procedure, where he stated that communication never became

sexual. However, the panel noted that Mr Sherlock later admitted this allegation and that in the statement of agreed facts, he had admitted that sexual activity and sexual intercourse occurred on more than one occasion with Pupil A. This was consistent with the notes of the investigation interview with Pupil A.

On the balance of probabilities, the panel found allegation 2 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.

The panel noted that, in the statement of agreed facts, Mr Sherlock admitted that the facts of allegation 1 and 2 amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. Notwithstanding this the panel made its own determination in this regard.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice'.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position.
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Sherlock fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Sherlock's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offence of sexual activity and sexual communication with a child was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1 and 2, based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

The panel noted that although allegations 1 and 2 took place outside the education setting, they were relevant to Mr Sherlock's profession as a teacher as he was communicating and engaged in a sexual relationship with a recent former pupil.

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

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

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

The panel noted that Pupil A started the communication with Mr Sherlock, however, he quickly provided his personal email address so that Pupil A could communicate with him outside of School. Mr Sherlock had engaged in a sexual relationship with Pupil A, who he had only recently taught and with whom he only became aware of in his role as her teacher and [REDACTED]. Mr Sherlock had built up a professional relationship with Pupil A in his capacity as her teacher, which, therefore, made it easier for her to reach out to him first, as Pupil A already knew him. Pupil A was also a vulnerable pupil, who appeared to have had a [REDACTED], and Mr Sherlock's actions put her in a position where he was not safeguarding her wellbeing effectively. In the panel's view, this conduct was likely to seriously undermine the public's perception and trust of teachers.

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

Having found the facts of particulars 1 and 2 proved, the panel further found that Mr Sherlock's 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/conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found the following to be relevant in this case, namely: the 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; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Sherlock, which involved engaging in communication and in a sexual relationship with Pupil A, a former pupil of the School, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Sherlock. 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 Mr Sherlock. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- collusion or concealment including:
 - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
 - lying to prevent the identification of wrongdoing;

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.

There was no evidence that Mr Sherlock's actions were not deliberate.

There was no evidence to suggest that Mr Sherlock was acting under extreme duress, and, in fact, the panel found Mr Sherlock's actions to be calculated, as there was only

around one month between Mr Sherlock providing his personal details to Pupil A and from him engaging in a sexual relationship with Pupil A.

No evidence was submitted to attest to Mr Sherlock's history or ability as a teacher. There was no evidence submitted that Mr Sherlock demonstrates exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

The panel considered Mr Sherlock's written representations provided as part of the School's disciplinary procedure, in which:

- He stated that he was shocked and saddened at the extent of the allegations made against him in respect of himself in relation to Pupil A. He stated that the disciplinary investigation had a significant detrimental impact on [REDACTED].
- When admitting to engaging in personal communication with Pupil A, Mr Sherlock explained that he never intentionally, or unintentionally, set out to cause harm or manipulate any situation to his advantage. He stated that he has only acted in response to Pupil A's approach to communicate with him. Mr Sherlock submitted that consequences of the disciplinary investigation and the impact on his personal life caused a disintegration of his beloved career, in which he had worked hard for years, and significant emotional scarring and a breakdown in much of which he held dearly. Mr Sherlock explained that he made the difficult decision to resign from the School, and that his resignation was an indication that he is not uncooperative and does accept mistakes, however unintentional.
- He stated that he had a clean disciplinary record and an exemplary professional record at the School. He stated that he had already reflected on the conclusions of the School's investigation and resigned from his position at the School.
- He submitted that he accepted the faults and naive mistakes on his part, but strongly stated that he had never, intentionally or unintentionally, set out to cause any harm or manipulate any situation to his advantage. He stated that he cared deeply about teaching young adults and gave the job his all for all the years he was a teacher.
- He stated that he is looking to rehabilitate, rebuild and move on a different path with his life, and that he is not seeking further employment in education.

The panel concluded that Mr Sherlock had not shown considerable insight and remorse. In particular, the panel considered that the comments above demonstrated that he had reflected more on the detrimental impact on himself, and he had not reflected on the impact his actions had (or may have had) on Pupil A.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Sherlock 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 Sherlock. Mr Sherlock's very serious misconduct and the potential risk to pupils was a significant factor in forming that option. Based on the evidence before it, the panel concluded that Mr Sherlock had not accepted the impact his actions had on a potentially vulnerable pupil and that he fundamentally misunderstood and therefore breached the position of trust he had obtained through being Pupil A's teacher.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons / any sexual misconduct involving a child. The panel found that Mr Sherlock was responsible for engaging in communication and a sexual relationship with Pupil A, a former pupil of the School.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that none of these offences were relevant.

The panel found that Mr Sherlock's behaviours were fundamentally incompatible with the teacher's standards, and, therefore, of being a teacher and given, in the panel's view, he was only able to engage in a sexual relationship with Pupil A because he knew her, and

he had been her teacher. The panel was concerned that he could in the future fail to safeguard pupils, or even be a risk to other pupils.

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 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 Mr Thomas Sherlock should be the subject of a prohibition order, with no provision for a review period.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position.
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Sherlock, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include engaging in communication and in a sexual relationship with a former Pupil.

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 or conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Sherlock, 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/safeguard pupils. The panel has observed, "In light of the panel's findings against Mr Sherlock, which involved engaging in communication and in a sexual relationship with Pupil A, a former pupil of the School, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered Mr Sherlock's written representations provided as part of the School's disciplinary procedure" and the panel went on to say "The panel concluded that Mr Sherlock had not shown considerable insight and remorse. In particular, the panel considered that the comments above demonstrated that he had reflected more on the detrimental impact on himself, and he had not reflected on the impact his actions had (or may have had) on Pupil A."

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 observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Sherlock were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of forming a sexual

relationship with a former pupil 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 or conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Thomas Sherlock himself and the panel comment “No evidence was submitted to attest to Mr Sherlock’s history or ability as a teacher. There was no evidence submitted that Mr Sherlock demonstrates exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.”.

A prohibition order would prevent Mr Sherlock 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 “The panel noted that Pupil A started the communication with Mr Sherlock, however, he quickly provided his personal email address so that Pupil A could communicate with him outside of School. Mr Sherlock had engaged in a sexual relationship with Pupil A, who he had only recently taught and with whom he only became aware of in his role as her teacher and [REDACTED]. Mr Sherlock had built up a professional relationship with Pupil A in his capacity as her teacher, which, therefore, made it easier for her to reach out to him first, as Pupil A already knew him. Pupil A was also a vulnerable pupil, who appeared to have had a [REDACTED], and Mr Sherlock’s actions put her in a position where he was not safeguarding her wellbeing effectively. In the panel’s view, this conduct was likely to seriously undermine the public’s perception and trust of teachers.”

I have also placed considerable weight on the finding “The panel decided that the public interest considerations outweighed the interests of Mr Sherlock. Mr Sherlock’s very serious misconduct and the potential risk to pupils was a significant factor in forming that option. Based on the evidence before it, the panel concluded that Mr Sherlock had not accepted the impact his actions had on a potentially vulnerable pupil and that he fundamentally misunderstood and therefore breached the position of trust he had obtained through being Pupil A’s teacher.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Sherlock 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 remorse or insight, 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 panel found that Mr Sherlock's behaviours were fundamentally incompatible with the teacher's standards, and, therefore, of being a teacher and given, in the panel's view, he was only able to engage in a sexual relationship with Pupil A because he knew her, and he had been her teacher. The panel was concerned that he could in the future fail to safeguard pupils, or even be a risk to other pupils."

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 seriousness of the findings, which involved engaging in a sexual relationship with a former pupil and the lack of full insight or 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 Thomas Sherlock 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 Sherlock 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 Sherlock 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.



Decision maker: Sarah Buxcey

Date: 2 May 2024

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