



Teaching  
Regulation  
Agency

# **Mr Scott Lachlan Wilson: Professional conduct panel outcome**

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

**May 2024**

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

<b>Teacher:</b>	Mr Scott Lachlan Wilson
<b>Teacher ref number:</b>	9335625
<b>Teacher date of birth:</b>	7 June 1972
<b>TRA reference:</b>	20882
<b>Date of determination:</b>	23 May 2024
<b>Former employer:</b>	[REDACTED], North East England

### Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 22 May 2024 to 23 May 2024 by way of a virtual hearing, to consider the case of Mr Scott Lachlan Wilson.

The panel members were Ms Charlotte Kelly (lay panellist – in the chair), Mr Francis Murphy (teacher panellist) and Mr Nick Watkiss (teacher panellist).

The legal adviser to the panel was Mr Benjamin Lewins of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Alex Mullen of QEB Hollis Whiteman.

Mr Wilson was not present but was represented by Mr Andrew Faux of The Reflective Practice. The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 11 March 2024.

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

1. In or around 2000, he engaged in an inappropriate relationship with Pupil A in that:
  - a) He met up with Pupil A at his home;
  - b) He asked for Pupil A's telephone number;
  - c) He gave his telephone number to Pupil A;
  - d) He engaged in a sexual relationship with Pupil A
2. His conduct at paragraph 1 was sexually motivated.

Mr Wilson admitted the particulars of allegations 1(a), 1(b), 1(c), 1(d) and 2 as set out in the statement of agreed facts signed by Mr Wilson on the 26 April 2024. Mr Wilson made no admission as to whether his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Application to proceed in the absence of the teacher

Mr Wilson was not present at the hearing. The presenting officer made an application to proceed in the absence of Mr Wilson.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was provided with a bundle of documents by the presenting officer titled 'Service Bundle' and a document titled 'OS Form received'. The panel was satisfied that the notice of hearing had been sent to Mr Wilson's representative (as directed by Mr Wilson) in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures').

The panel noted that neither Mr Wilson nor Mr Faux had sought an adjournment to the hearing and the panel did not consider that an adjournment would procure Mr Wilson's

attendance at the hearing. There was no medical evidence before the panel that Mr Wilson was unfit to attend the hearing and Mr Faux informed the panel that Mr Wilson's absence was voluntary. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witness of any delay.

The panel considered that, as this was a case in which the factual matrix was agreed between the parties, its ability to determine whether the allegations occurred would not be hampered by its inability to question Mr Wilson. Therefore, it was in the public interest to proceed.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Wilson was not present.

#### Application to admit additional documents

The panel considered a preliminary application from Mr Wilson's representative for the admission of additional documents.

Mr Wilson's documents were pages 1-46 (paginated as 194-237) and 52-75 (paginated as 243-266) of a bundle titled 'late papers bundle' and an unpaginated email from Pupil A dated 12 May 2024 titled 'Impact Statement re: Scott L Wilson' (the 'Email').

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer and Mr Wilson's representative in respect of the application. Mr Wilson's representative did not seek to admit pages 47-51 (paginated as 238-242) of the late papers bundle and made representations to the panel to disregard the document titled 'Representations on behalf of the Respondent Teacher'.

The panel considered the additional documents were relevant and should be admitted in the interests of a fair hearing. Accordingly, the documents were admitted and added to the bundle.

The panel considered that the document at pages 47-51 of the bundle was not prejudicial to either the TRA or Mr Wilson and in any event that it could put this information out of its mind without prejudicing the outcome of the hearing.

#### Application for part of the hearing to be heard in private

The panel considered an application from Mr Wilson's representative on behalf of Mr Wilson for part of the hearing to be heard in private.

Mr Wilson submitted a witness statement at pages 194-202 of the late papers bundle, which contained parts in italics relating to *[REDACTED] Pupil A*. Mr Wilson's representative sought to cross-examine the witness called by the TRA, Witness A, on matters relating to these italicised parts of Mr Wilson's witness statement. Mr Wilson's representative therefore applied for Witness A's evidence to be heard in private session.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not object to the application.

The panel granted the application for this part of the hearing to be heard in private. The panel considered it was a limited request in relation to specific information on a discreet point. The panel also considered that, were it not for granting this request, it may prejudice Mr Wilson's representative from properly making his case.

## Summary of evidence

### Documents

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

- Section 1: Chronology and list of key people– pages 4 to 6
- Section 2: Notice of proceedings and response – pages 7 to 22
- Section 3: TRA witness statements – pages 23 to 29
- Section 4: TRA documents – pages 30 to 193

In addition, the panel agreed to accept the following:

- Late papers bundle – pages 194 – 266
- The Email
- The Service Bundle

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

### Witnesses

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

- Witness A, [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.

Pupil A attended [REDACTED] ('the School') as a student from [REDACTED].

In September 1995, Mr Wilson commenced employment as a teacher at the School.

In approximately 2000, Mr Wilson allegedly met up with Pupil A at his home, asked for Pupil A's phone number, provided Pupil A with his phone number and engaged in a sexual relationship with Pupil A.

On the 3 June 2019 Mr Wilson commenced employment at [REDACTED] and [REDACTED] as head teacher.

On the 14 February 2022, the parent of Pupil C sent an email to [REDACTED] raising safeguarding concerns about Mr Wilson. The LADO contacted [REDACTED] to alert them to the concerns raised. The LADO also contacted the police.

On the 16 February 2022 Mr Wilson was suspended.

On the 8 March 2022, the police spoke with Pupil A.

On the 18 March 2022, Pupil A was interviewed by an investigating officer and confirmed that she had a relationship with Mr Wilson over 20 years ago.

On the 25 March 2022, an investigation meeting was held with Mr Wilson.

On the 6 May 2022 Mr Wilson submitted a letter of resignation.

On the 10 May 2022 Mr Wilson ceased employment at [REDACTED].

On the 6 June 2022 the matter was referred to the TRA.

## Findings of fact

The findings of fact are as follows:

- 1. In or around 2000, you engaged in an inappropriate relationship with Pupil A in that:**
  - a) You met up with Pupil A at your home;**

The panel noted that Mr Wilson admitted to the allegation in the statement of agreed facts. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel noted the written witness statement of Mr Wilson in which he stated that “*at first we would meet at a pub local to me or at my home*”.

The panel considered the notes from an interview with Pupil A, as part of the investigation carried out by [REDACTED], dated 18 March 2022. Pupil A was asked where they met up with Mr Wilson and to which they confirmed “*generally where he [Mr Wilson] lived*”.

The panel found allegation 1(a) proven.

**b) You asked for Pupil A’s telephone number;**

**c) You gave your telephone number to Pupil A;**

The panel noted that Mr Wilson admitted to the allegations in the statement of agreed facts. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel considered the notes from an interview with Pupil A, as part of the investigation carried out by [REDACTED], dated 18 March 2022. Pupil A stated that Mr Wilson “*asked for my telephone number*”. Pupil A also stated that “*I think he gave me his telephone number, and I think I called him*”.

The panel considered the written witness statement of Mr Wilson. Mr Wilson stated that he met Pupil A in a local pub in early summer 2000 whilst he was on a night out with members of his football team. He stated that he could not remember details after 24 years but believes it was him who initiated the conversation and that after a fairly long chat “*I think we exchanged numbers*”. Mr Wilson went on to state that he thought he “*received a call from Pupil A*”.

The panel found allegations 1(b) and 1(c) proven.

**d) You engaged in a sexual relationship with Pupil A**

The panel noted that Mr Wilson admitted to the allegation in the statement of agreed facts. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel considered the notes from the interview with Pupil A, dated 18 March 2022. Pupil A stated that she engaged in a sexual relationship with Mr Wilson. Pupil A stated during the interview that it was “*all very consensual*”. She stated that the relationship was



over 20 years ago and that she thinks at that time it was not illegal and it was not broadcast. Pupil A stated that the relationship is one that she looks back on fondly, and that she did not think anything was untoward.

The panel considered the written statement of the [REDACTED], Witness A, who stated that during her interview, Pupil A confirmed that her relationship with Mr Wilson was a sexual relationship.

The panel considered the written statement of Mr Wilson. Mr Wilson stated that his relationship with Pupil A became sexual, by consent, when Pupil A was when Pupil A was in year 13 and coming to the end of her time at the School.

Mr Wilson explained that *“looking back, it is true that the relationship was not hidden and was normalised by our families and friends, but nevertheless I was a teacher and I should have had the self-restraint to never embark upon it”*.

The panel noted that within the notes from the interview with Mr Wilson dated 25 March 2022, Mr Wilson was asked if his relationship with Pupil A was a sexual relationship, to which he stated that *“the relationship started as a relationship and yes it became sexual.”*

Within the interview notes Mr Wilson described the relationship as ill-judged and foolish, but that at the time he did not see that there was anything wrong.

The panel considered the statement submitted by Pupil A to testify to Mr Wilson’s character and noted that she stated that she has never and will at no point in the future make any complaint about her relationship with Mr Wilson.

The panel noted the Circular number 11/95 relating to the Secretary of State’s powers, published in 1995 (the ‘Circular’), included in Mr Wilson’s late papers bundle. The panel noted the reference in the Circular to *“a sexual, or otherwise inappropriate, relationship with a pupil (regardless of whether the pupil is over the legal age of consent)”* as an example of misconduct likely to lead to barring at part 9 of the Circular.

The panel considered that the Circular was evidence of the standards expected of the teaching profession at the relevant time, and that sexual relationships between teachers and pupils were deemed inappropriate.

The panel considered that Mr Wilson’s pursuit and engagement in a sexual relationship with Pupil A was inappropriate.

The panel found allegation 1(d) proven.

## **2. Your conduct at paragraph 1 was sexually motivated.**

The panel noted that Mr Wilson admitted to the allegation in the statement of agreed facts.

The panel noted that on receipt of the evidence, that it was clear that both Mr Wilson and Pupil A saw no issue with their consensual relationship at the time.

The panel was cognisant of section 78 of the Sexual Offences Act 2003 and the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated.

The panel considered that there was no plausible innocent explanation for the conduct of Mr Wilson as found proven at allegation 1. No other explanation was offered by Mr Wilson or his representative.

The panel noted that Mr Wilson had exchanged numbers with Pupil A, had her come to his house and engaged in an intimate sexual and emotional relationship with Pupil A. The panel therefore concluded that on the balance of probabilities Mr Wilson's conduct was sexually motivated.

The panel found allegation 2 proven.

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

Having found all 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 Mr Wilson's representative's representations on the panel's ability to make these findings, in particular Pupil A's right to a private life pursuant to Article 8 of the European Convention on Human Rights.

The panel considered whether the right to private life outweighed the public interest in seeking to safeguard pupils and to protect and maintain confidence in the teaching profession. It concluded that it did not, and other measures had already been taken to mitigate the impact of these proceedings on Pupil A. The panel concluded that it was in the public interest for it to proceed to determine whether the allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel had regard to the document *Teacher Misconduct: The Prohibition of Teachers*, which is referred to as "the Advice" and to its knowledge and experience as to the teaching standards at that time.

The panel heard representations from the presenting officer and Mr Wilson's representative as to the applicable standards at the time of the allegations. The panel

noted that the allegations pre-dated the current Teacher's Standards and national framework. The panel found that an inappropriate and sexual relationship with a pupil was fundamentally unacceptable and, whilst not implicit in a codified standard, it was a prevailing norm that had not changed or been introduced since 2000.

Having found that Mr Wilson engaged in an inappropriate, sexual relationship with Pupil A, the panel found that this was in direct breach of the Circular's reference to "*a sexual, or otherwise inappropriate, relationship with a pupil (regardless of whether the pupil is over the legal age of consent)*" and was stated as conduct likely to result in barring. The panel was satisfied that his conduct was in breach of the standards shown in the Circular and expected of the teaching profession at that time.

The panel noted the content of a letter dated 1998 from the then Secretary of State revoking a bar on employment. The letter was included in the teacher's late papers bundle. The panel considered that it offered limited insight into the applicable standards at the relevant time but noted that the teacher in that case had not entered into a sexual relationship with the pupil. The panel concluded that the fact that the teacher had received a bar for an "*inappropriate*" relationship (with no sexual intercourse) with a pupil supported its finding that a sexual relationship was not acceptable by the standards at that time. The panel also noted that the teacher who was sent that letter was barred in 1986, pre-dating the Circular.

The panel also considered the Teachers' Standards, whilst acknowledging that they were not published or in force at the time of the allegations. The panel was satisfied that the conduct of Mr Wilson, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Wilson 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

The panel was satisfied that the conduct of Mr Wilson amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, as he had engaged in an inappropriate sexual relationship with a pupil.

The panel also considered whether Mr Wilson's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences was relevant as there was no applicable criminal offence at the time of the allegations.

Whilst the panel noted that allegations 1(a), 1(b), 1(c), and 1(d) took place outside the education setting, the panel was concerned that there had been a development of a sexual relationship between a pupil and a teacher. The panel noted that the evidence indicated that the relationship had started whilst Pupil A was still a student at the School and was therefore a relevant factor in reaching this decision. The panel considered that Mr Wilson's behaviour was therefore relevant to his position as a teacher.

Accordingly, the panel was satisfied that Mr Wilson 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 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 considered that there had already been potential damage to the public perception and considered evidence including a statement from Individual A, which showed that the allegations had already caused a potential issue in the community with "*gossip amongst staff members*" and "*posts on social media that mentioned a teacher's behaviour*". The panel also considered safeguarding concerns raised in 2018 by a prospective parent, relating to "*rumours circulating about your current Head of Safeguarding, regarding past inappropriate relationships with pupils*".

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

Having found the facts of allegations 1(a), 1(b), 1(c), 1(d) and 2 proved, the panel further found that Mr Wilson'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 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 a number of them to be relevant in this case, namely:

- The maintenance of public confidence in the profession – assessed by reference to the standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of the proposed ‘sanction’ and recognises the high standards expected of all teachers, as well as other issues involved in the case
- Declaring and upholding proper standards of conduct within the teaching profession
- That prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict

In the light of the panel’s findings against Mr Wilson, which involved engaging in an inappropriate, sexual, relationship with Pupil A that started whilst she was still attending the School, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Wilson was not treated with the utmost seriousness when regulating the conduct of the profession.

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

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 Mr Wilson. 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 Wilson. 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:

- 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

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 Wilson's actions were not deliberate.

There was no evidence to suggest that Mr Wilson was acting under extreme duress.

However, the panel was provided with evidence to attest to Mr Wilson's history and ability as a teacher.

Mr Wilson provided written character references from the following individuals:

- Individual B, [REDACTED]
- Individual C, [REDACTED]
- Individual D, [REDACTED]
- Individual E, [REDACTED]
- Individual F, [REDACTED]
- Individual G, [REDACTED]
- Individual H, [REDACTED]
- Individual I, [REDACTED]
- Individual J, [REDACTED]
- Individual K, [REDACTED]
- Individual L, [REDACTED]
- Pupil A
- Individual M, [REDACTED]

- Individual N, [REDACTED]

The written evidence contained positive comments about Mr Wilson and his ability as a teacher. Some individuals confirmed in their statements that they were aware of the allegations about Mr Wilson. The panel noted the following comments in particular:

- *“Scott always acted with professionalism and integrity and he worked extremely hard and was passionate about improving the life chances of the young people he was responsible for.”*
- *“He was well respected by both staff and pupils”*
- *“I would be the first person to ‘whistle blow’ if I felt that a teacher was a risk, but I never had any concerns about Scott.”*
- *“In my opinion this would be a great loss to the teaching profession of a very dedicated and conscientious teacher.”*
- *“During the 21 years that I worked with Mr Wilson I was impressed by his hard work, commitment and desire to achieve high standards.”*
- *“I have no doubt that it would be a major loss if Mr Wilson were to be no longer involved in the teaching profession.”*
- *“My daughter found Mr Wilson to be a fair and positive influence at the school and commented that it was a shame when he left.”*
- *“From a parental perspective I liked his approach and attitude to running the school and felt it would be a loss for the education sector to lose Mr Wilson; he seemed to have the respect of pupils, colleagues and parents. My daughter and I both found Mr Wilson to be very professional and an excellent headteacher.”*
- *“Scott was instrumental in driving improvement in the academy.”*
- *“Mr Wilson was exceptional in his role, the Sixth Form grew in size and the outcomes from a progress perspective and onward progression were the best the school had ever seen.”*
- *“His office was at the heart of the school.”*
- *“Mr Wilson’s role as headteacher allowed him to make a positive change, a change that would not have been possible without his leadership and guidance.”*
- *“He is approachable, caring and always puts his students first.”*

- *“Mr Wilson’s departure had a detrimental affect on the progress and journey that the school was on as he was not able to continue guiding a fairly new leadership team. With his continued support and guidance, the school would be further along on its development.”*
- *“I aspire to be a headteacher with all of the attributes and knowledge that Mr Wilson has with the hope to inspire others, just like he has.”*
- *“I can wholeheartedly say that if Mr Wilson is prevented from teaching in future years this will be to the detriment of the pupils.”*
- *“Mr Wilson’s experience and long-standing exceptional teaching record should be upheld and taken into consideration. I would certainly be grateful and appreciative for Mr Wilson to teach my own daughter and pass on his wealth of knowledge and experience.”*
- *“He had a good rapport with the students but boundaries were always made clear and as a result, there was a mutual respect.”*
- *“My desire to become a teacher came from being inspired by my then teacher Scott Wilson when I was just 12 years old.”*
- *“Scott’s impact can still be felt today, most notably with the schools value of being aspirational, resilient, respectful and kind. Scott conducted himself professionally and with integrity at all times.”*
- *“Losing Scott from education would be a detriment to the profession, his passion and knowledge is unparalleled to anyone that I have met in my career.”*
- *“His attitude towards both staff and students was always exemplified by the detail to which he went to ensure things were done correctly not only in terms of procedures but also so that the individual felt as if they had received his full attention.”*
- *“He always operated at the highest of standards with a tenacious determination to show the best of himself.”*
- *“Scott is very passionate about his teaching career and it would be a great shame to lose such an excellent teacher to the teaching profession.”*
- *“Mr Wilson was efficient, professional in his role and extremely competent.”*
- *“Scott has never been anything other than completely professional in his role and he takes safeguarding very seriously.”*



The panel noted the reference submitted by Pupil A, in which she stated that she and her family believe what has happened to Mr Wilson to be completely unjust. She stated that as a teacher, Mr Wilson is an excellent practitioner, and that she has not, and at no point in the future will she ever complain about her relationship with him.

The panel considered the written submissions of Mr Wilson, where he stated that he accepts full responsibility for his actions, and that the relationship had mutual consent but that he cannot believe how immature his actions were.

Mr Wilson explained that he appreciates now *“how relationships between any pupil and teacher involve an imbalance of power and that potential harm may not manifest itself until years later”* and that *“I should have had the strength in 2000 to say no but I was weak, selfish and immature”*. Mr Wilson stated that *“looking back, it is true that the relationship was not hidden and was normalised by our family and friends, but nevertheless I was a teacher and I should have had the self-restraint to never embark upon it”*. Mr Wilson also stated that he is sorry to Pupil A and her family for everything that has happened and that he wishes that he *“behaved more responsibly at the time”*.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Wilson 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 Wilson. The panel considered that the seriousness of the behaviours identified above was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel acknowledged that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and his ability to continue to make a valuable contribution to the profession. However, the panel considered that the public interest in applying a prohibition order outweighed these factors.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given

case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are 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 their professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that these behaviours were engaged having found that Mr Wilson had engaged in a sexual relationship with a [REDACTED] student.

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 none of these behaviours to be relevant.

The panel considered the representations of both the presenting officer and Mr Wilson's representative. The panel noted the significant mitigation and other factors which weighed against no review period at all, and a longer review period, including:

- The considerable length of time since the allegations occurred.
- Evidence that the relationship was a consensual and lasting relationship, known publicly to Pupil A's family and to Mr Wilson's including, Pupil A's own evidence that she would "*still class him as a friend*", that "*it would be a great shame to lose such an excellent teacher to the teaching profession*" and finally that "*at no point have I ever, and at no point in the future, will I make any complaint about my relationship with Scott Wilson*".
- That there was no evidence to suggest that Mr Wilson remained a threat.
- That Mr Wilson had shown genuine insight and remorse into his actions throughout these proceedings.
- Mr Wilson's substantial contribution to the teaching profession.

Whilst not detracting from the significance of Mr Wilson's conduct at the time, the panel decided that the findings and particular circumstances 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 review period of two years.

## **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 Mr Scott Lachlan Wilson should be the subject of a prohibition order, with a review period of 2 years.

In particular, the panel has found that Mr Wilson 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

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

The findings of misconduct are particularly serious as they include a finding of an inappropriate and sexual relationship with a 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 and conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Wilson, 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, "Whilst the panel noted that allegations 1(a), 1(b), 1(c), and 1(d) took place outside the education setting, the panel was concerned that there had been a development of a sexual relationship between a pupil and a teacher. The panel noted that the evidence indicated that the relationship had

started whilst Pupil A was still a student at the School and was therefore a relevant factor in reaching this decision. The panel considered that Mr Wilson's behaviour was therefore relevant to his position as a teacher." 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. The panel has noted that, in his written submissions, Mr Wilson accepted full responsibility for his actions, and that "he is sorry to Pupil A and her family for everything that has happened and that he wishes that he *"behaved more responsibly at the time"*." The panel has concluded that Mr Wilson has shown genuine insight and remorse into his actions. I have therefore given this element some 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, "In the light of the panel's findings against Mr Wilson, which involved engaging in an inappropriate, sexual, relationship with Pupil A that started whilst she was still attending the School, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Wilson was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of an inappropriate and sexual relationship with a pupil in this case and the very serious negative impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the 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 Wilson himself. The panel was provided with evidence that attested to Mr Wilson's history and ability as a teacher. It was also provided with character references from former colleagues, friends, pupils and parents of pupils, which contained positive comments about Mr Wilson and his ability as teacher. The panel has noted that there was a reference submitted by Pupil A "in which she stated that she and her family believe what has happened to Mr Wilson to be completely unjust. She stated that as a teacher, Mr Wilson is an excellent practitioner, and that she has not, and at no point in the future will she ever complain about her relationship with him."

A prohibition order would prevent Mr Wilson 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 regarding the seriousness of the misconduct found proven. The panel has commented, "The panel acknowledged that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and his ability to continue to make a valuable contribution to the profession. However, the panel considered that the public interest in applying a prohibition order outweighed these factors."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Wilson 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

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 2-year review period.

The panel has noted that the Advice indicates that serious sexual misconduct and any sexual misconduct involving a child are among the behaviours that would militate against the recommendation of a review period. The panel has found that "these behaviours were engaged having found that Mr Wilson had engaged in a sexual relationship with a [REDACTED] student." However, the panel has also noted significant mitigating and other factors and was of the view that these weighed against no review period or a longer review period.

I accept the panel's view that, in the particular circumstances of this case, there should be a review period because of its findings that Mr Wilson had shown genuine insight and remorse, that there is no evidence to suggest he remained a threat and that he had made a substantial contribution to the teaching profession.

I have considered whether a 2-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. I do not agree with the panel that evidence that the relationship was consensual offers a significant mitigation. I am mindful of the relevance in this case of the references in the Advice to sexual misconduct where the individual has used their professional position to influence a person and to any sexual misconduct involving a child. In my view, a 2-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession because of the serious nature of the misconduct

found proven which involved a sexual relationship with a pupil attending the school at which he taught.

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

**This means that Mr Scott Lachlan Wilson 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 11 June 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, Mr Wilson remains prohibited from teaching indefinitely.

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

Mr Scott Lachlan Wilson 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: 5 June 2024**

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