



Teaching  
Regulation  
Agency

# **Mr Nicholas Morgan: Professional conduct panel hearing outcome**

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

**June 2024**

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

**Teacher:** Mr Nicholas Morgan

**TRA reference:** 21152

**Date of determination:** 24 June 2024

**Former employer:** St Joseph's School, Cornwall  
Bideford College, Devon

### **Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 3-5 June 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Nicholas Morgan.

The panel re-convened virtually on 24 June 2024 to consider its recommendation to the Secretary of State.

The panel members were Mr John Martin, (Former Teacher Panellist – in the chair), Mr Gerry Wadwa (Teacher Panellist) and Mrs Kristen Hughes (Lay Panellist).

The legal adviser to the panel was Mrs Lucy Mosley of Blake Morgan Solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley Solicitors.

Mr Nicholas Morgan was present and unrepresented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 15 March 2024.

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

Whilst working as a Teacher at St Joseph's School:

1. On one or more occasions between November 2014 and June 2015 he:
  - a) Made inappropriate comments to or about pupils as set out in Schedule A;
  - b) Attempted to look up the skirt of Pupil 1.

Whilst working as a Teacher at Bideford College ("the School):

2. On one or more occasions between 1 September 2021 and 3 March 2022 he:
  - a) Made inappropriate comments to or about pupils as set out in Schedule B;
  - b) Pushed and/ or tapped the chairs of pupils.
3. On or around 2 June 2021, he submitted an application form to the School indicating that he had not been dismissed from any previous employment, when this was not the case.
4. His conduct at paragraph 1a) and/ or 1b) and/ or 2a) and/ or 2b) was sexually motivated.
5. His action at paragraph 3;
  - a) Was dishonest;
  - b) Demonstrated a lack of integrity.

### Schedule A

- i. "my precious", or words to that effect.
- ii. "my little bunnies", or words to that effect.
- iii. "gorgeous one", or words to that effect.
- iv. "you have a fit body", or words to that effect.

- v. "pussycats", or words to that effect.
- vi. "beautiful chicks", or words to that effect.

#### Schedule B

- i. "hello my wonderful", or words to that effect.
- ii. "are you alright beautiful", or words to that effect.
- iii. "look at you you're stick thin", or words to that effect.
- iv. "you need more meat on you", or words to that effect.

Mr Morgan made admissions to the following particulars:

1a) Schedule A i), ii), iii), v), vi) 2a) Schedule B i), 2b)

Mr Morgan denied the following particulars:

1a) Schedule A iv), b), 2a) Schedule B ii), iii), iv), 3), 4), 5a), 5b)

Mr Morgan did not accept that his conduct amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

## Preliminary applications

### Application for the hearing to be held in private

Mr Morgan made a written and oral application to hear the entirety of the proceedings in private.

It was submitted that the case engaged extremely private and personal matters. These were addressed in the submissions made, and included Mr Morgan's [REDACTED].

In summary, it was submitted that a private hearing was necessary to safeguard Mr Morgan's interests [REDACTED].

The application was opposed by the TRA insofar as it was for the entirety of the hearing to be in private.

Mr Bridges accepted that references [REDACTED] private matters should be heard in private. It was submitted that all other aspects of the hearing should be heard in public.

In summary, Mr Bridges submitted that the reasons outlined in support of the application were insufficient to depart from the default position of a public hearing and there was a public interest in these allegations being determined in public. He referred the panel to the case of *Miller v General Medical Council* [2013] EWHC 1934 (Admin).

In determining the application, the panel had careful regard to the parties' submissions, and accepted the legal advice provided.

The panel took account of the fact that there is a presumption that hearings of this nature will take place in public and there is a legitimate public interest in the openness and transparency of the TRA's disciplinary procedures.

In this instance, the panel was not persuaded that the reasons relied upon in support of Mr Morgan's application justified holding the hearing entirely in private.

It was understandable why Mr Morgan would prefer a private hearing and the application was clearly premised upon some genuine concerns.

However, the panel concluded that the public interest in a public hearing outweighed Mr Morgan's concerns and the application was therefore rejected. It was not persuaded that, based on the information before the panel, Mr Morgan would be unfairly compromised by a public hearing.

Further, insofar as Mr Morgan was concerned about the potential impact of publicity, the panel bore in mind that there were no members of the public present at the hearing, that redactions could be made to any document published by the TRA and that Mr Morgan's [REDACTED] were unlikely to be discussed as they were not directly relevant to the

allegation. Further, the outcome of the hearing would be announced in public in any event.

However, the panel did agree that any references to Mr Morgan's [REDACTED] should be heard in private. Insofar as any aspect of the hearing touches upon those matters, the panel will proceed in private.

The panel invited the parties to notify it if, at any stage, it was anticipated that it would be necessary to go into private session.

## **Application to admit hearsay evidence**

A written application was made by the TRA to admit the witness statement of Witness C and accompanying exhibits as hearsay evidence. Mr Bridges adopted the arguments made in the supporting skeleton argument, which he summarised orally for the panel.

Specifically, it sought to rely upon the evidence recorded in the following documents:

- TRA statement of Witness C dated 12 January 2024;
- Exhibit 4 – Handwritten statement of Witness C dated 18 November; and
- Exhibit 12 – Handwritten statement of Witness C dated 18 June 2015.

In considering the application, the panel was provided with two bundles of documents from the TRA, comprising of the application and the relevant supporting documents. It also had careful regard to the parties' respective oral submissions and accepted the legal advice provided.

The panel noted that Kingsley Napley, on behalf of the TRA, had attempted to engage Witness C as a witness. It was presented with a chronology of relevant communications. Although Witness C provided a witness statement to the TRA on 12 January 2024 and had initially engaged with the investigation, on 9 May 2024 she advised that [REDACTED] she would not attend the TRA hearing. [REDACTED]

In relation to the admission of Witness C'S evidence as hearsay, it was asserted on behalf of the TRA that fairness to the teacher could be achieved by admitting the evidence, following which Mr Morgan would have the opportunity to make submissions as to what weight should be attached to it, and by the panel considering the extent to which there was corroborating evidence and deciding what weight, if any, should attach to Witness C'S evidence.

It was further submitted by Mr Bridges that:

- Reasonable efforts had been made to engage Witness C;

- Witness C's evidence was largely supported by the written evidence of other witnesses; and
- Witness C's statement was signed, and was a contemporaneous recollection of events.

The application was opposed by Mr Morgan.

In his submission, the introduction of Witness C's evidence as hearsay would compromise a fair hearing. He argued that as a result of her non-attendance, he and the panel would be unable to test the reliability of Witness C's evidence which would lead to unfairness in the specific circumstances of this case. Likewise, there were various issues that Mr Morgan would wish to explore with Witness C if she gave evidence, and he submitted that these were highly pertinent in this case. In the absence of hearing from Witness C, Mr Morgan stated that he would face the same difficulty as he had during the earlier school investigation in terms of the assumptions that he said had an adverse effect on the process.

As a starting point, the panel had firmly in mind the seriousness of this case, particularly in terms of the importance of these proceedings to Mr Morgan. Not least, Mr Morgan faced an allegation that his conduct was sexually motivated and an allegation of dishonesty/ lack of integrity, which, if proven, could be expected to be viewed as very serious matters.

The panel considered it regrettable that Witness C did not attend the hearing. It acknowledged that there were matters that Mr Morgan would wish to put to Witness C in the course of cross-examination, and that he would be deprived of that opportunity in the circumstances.

The panel first considered the extent to which there was other witness evidence corroborating that of Witness C. It concluded that her evidence was largely corroborated by other witnesses, although it acknowledged that it appeared to be the sole evidence in relation to particulars 1a) Schedule A v) and vi), other than the admissions made by Mr Morgan. Following the decision in *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin), it therefore conducted a careful balancing exercise in determining whether to admit Witness C's evidence, weighing up the competing factors.

The panel considered that there was a good reason for the witness's non-attendance, and that the TRA had made reasonable efforts to engage Witness C.

Overall, the panel agreed with the TRA that fairness could be met by admitting the evidence, considering the extent to which there was corroborating evidence and assessing what weight, if any, it should attach to it.



In summary, the panel did not consider that the admission of the evidence as hearsay would result in prejudice to Mr Morgan, or compromise a fair hearing.

### **Application to admit additional evidence**

The panel considered an application made on behalf of Mr Morgan to admit two additional documents, one a scan of cards given to him by pupils and the second a letter from [REDACTED].

The TRA did not object to the admission of this evidence.

The panel was satisfied that the evidence was relevant to the issues before it and no prejudice or unfairness would be caused by its admission.

The documents were accordingly added to the case papers.

After Mr Morgan had completed his evidence, he made a further application to admit an additional document, namely a character reference from a former colleague, Individual D.

The TRA did not object to the admission of this evidence.

The panel was satisfied that the evidence was relevant to the issues before it and no prejudice or unfairness would be caused by its admission.

## 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 6 to 8

Section 2: Notice of proceedings and response – pages 9 to 18

Section 3: Teaching Regulation Agency witness statements – pages 19 to 32

Section 4: Teaching Regulation Agency documents – pages 33 to 520

Section 5: Teacher documents – pages 521 to 523

In addition, the panel agreed to accept the following:

- two additional documents from Mr Morgan, one a scan of cards given to him by pupils and the second a letter from the Disclosure and Barring Service dated 26 July 2023 confirming that it had decided not to include his name on the barred lists
- a letter from Mr Morgan setting out the reasons for his application for the hearing to be heard in private
- a timeline of events prepared by Mr Bridges
- a character reference from Mr Morgan.

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

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the “Procedures”).

### Witnesses

The panel heard oral evidence from the following witness called by Mr Bridges:

- Witness A – [REDACTED]
- Witness B - [REDACTED]

In addition, Mr Morgan gave oral evidence to the panel, and provided a character reference from Individual D.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

## **Background**

Mr Morgan was employed at the School as a Teacher of Mathematics and ICT from 1 September 2014 until 1 July 2015.

On 18 November 2014, Pupil 2 raised safeguarding concerns in respect of Mr Morgan's conduct towards them. This concerned his use of language in class.

A meeting was held on 20 November 2014 to discuss the concerns, and Mr Morgan agreed to stop using such expressions when speaking with pupils.

In June 2015 pupils raised further concerns relating to Mr Morgan's conduct towards them.

On 18 June 2015 there was an incident in which Pupil 1 had fallen over and was being assisted by members of staff. Pupil 1 had her leg raised whilst staff placed ice on her leg to assist with the pain and swelling. Mr Morgan was present and it was alleged by two staff members that he was staring at Pupil 1. In addition, another member of staff alleged that he had looked up the pupil's skirt. The concerns were reported to the headteacher, who in turn contacted the Local Authority Designated Officer ("the LADO") for advice on 23 June 2015.

On 1 July 2015 Mr Morgan's employment with the School came to an end.

On 1 September 2021 Mr Morgan commenced employment at the College. He was initially a Teacher of Mathematics and then became a Business Studies Teacher.

On 3 March 2022 Pupil A and Pupil N raised concerns in relation to Mr Morgan's conduct. This included allegations that he was shaking female pupils' chairs, staring at their bodies and making inappropriate comments.

On 4 March 2022 Mr Morgan was suspended whilst the matter was investigated.

An investigation was conducted and Mr Morgan attended an interview with Witness B on 21 March 2022.

The College became aware that Mr Morgan had been dismissed from the School. Within Mr Morgan's application for his role at the College, he had indicated that his reason for

leaving the School was “End of contract”. Mr Morgan did not inform the College that he had been dismissed from the role.

On 6 July 2022 a disciplinary hearing was held, and on 11 October 2022 a referral was made to the TRA.

## **Evidence considered by the panel**

The panel carefully considered all of the evidence presented and the submissions made. It accepted the legal advice provided.

The panel heard evidence from the following witnesses called by Mr Bridges:

- Witness A - [REDACTED]
- Witness B - [REDACTED]

The TRA also relied upon the witness statements of Individual E and Individual F as well as statements from pupils A-R, which were admitted as hearsay evidence.

The panel was satisfied that the admission of such evidence did not give rise to any unfairness in the specific circumstances of this case.

Nonetheless, the hearsay evidence presented was considered with appropriate caution and if and where it was relied upon, this is addressed in the panel's reasons, below.

The panel confirms it has not relied upon any findings made, or opinions expressed, during the earlier investigation process. It formed its own, independent view of the allegations based on the evidence presented to it.

Similarly, insofar as there were references within the evidence to other failings on the part of Mr Morgan, these were also disregarded, other than to the extent they were relevant contextually.

Mr Morgan attended the hearing and gave oral evidence to the panel under oath. He made admissions to some of the particulars at the outset of the hearing.

## Findings of fact

The findings of fact are as follows:

### Whilst working as a Teacher at St Joseph's School:

1. On one or more occasions between November 2014 and June 2015 you:

a) Made inappropriate comments to or about pupils as set out in Schedule A;

#### Schedule A

i. "my precious", or words to that effect.

The panel noted the admission made by Mr Morgan to this particular at the outset of the hearing.

The panel took into account Mr Morgan's oral evidence provided at this hearing, in which he accepted that he had called pupils "my preciouses". Mr Morgan told the panel that this was only meant in a kind, colloquial way. He said there was no nefarious intent behind his use of this phrase, and that it was a term he had used whilst working at previous schools. Mr Morgan explained that he used humour as part of his method of teaching. The panel found this plausible and consistent with other evidence presented.

The panel was provided with a copy of the minutes from the disciplinary hearing held on 6 July 2022. Whilst this meeting related to Mr Morgan's time at the College rather than the School, the panel noted that when questioned about addressing pupils in colloquial terms, he explained that he used these as a term of endearment.

The panel also considered the witness statement of Pupil 2, which described Mr Morgan calling pupils "my preciouses". The panel recognised that the statement of Pupil 2 is hearsay. It therefore considered their evidence with the appropriate caution. It attached less weight to their evidence than it did to the live evidence heard at the hearing, given that the pupil was not present at the hearing and therefore their evidence could not be tested. However, the panel took into account that the statement from Pupil 2 was made only a short time after the complaint was raised. Mr Morgan did not raise any issues with the hearsay evidence provided by the TRA.

On the balance of probabilities, the panel found this particular proved.

ii. "my little bunnies", or words to that effect.

The panel noted the admission made by Mr Morgan to this particular at the outset of the hearing.

The panel took into account Mr Morgan's oral evidence provided at this hearing, in which he accepted that he had called pupils "my little bunnies". Mr Morgan told the panel that

this was only meant in a kind, colloquial way. He said there was no nefarious intent behind his use of this phrase, and that it was a term he had used whilst working at previous schools. The panel considered that this was consistent with the evidence before it of the type of language used generally by Mr Morgan when referring to his form group, for example in one of the cards he provided from pupils, they were described as his carrots.

The panel was provided with a copy of the minutes from the disciplinary hearing held on 6 July 2022. Whilst this meeting related to Mr Morgan's time at the College rather than the School, the panel noted that when questioned about addressing pupils in colloquial terms, he explained that he used these as a term of endearment.

The panel also considered the witness statement of Pupil 2, which described Mr Morgan calling pupils "my little bunnies". As above in relation to the previous particular, the panel recognised that the statement of Pupil 2 is hearsay. It therefore considered their evidence with the appropriate caution. It attached less weight to their evidence than it did to the live evidence heard at the hearing, given that the pupil was not present at the hearing and therefore their evidence could not be tested.

On the balance of probabilities, it believed that it was more likely than not that Mr Morgan had made this comment to pupils.

### **iii. "gorgeous one", or words to that effect.**

The panel noted the admission made by Mr Morgan to this particular at the outset of the hearing.

The panel took into account Mr Morgan's oral evidence provided at this hearing, in which he accepted that he had called pupils "gorgeous ones". Mr Morgan told the panel that this was only meant in a kind, colloquial way. He said there was no nefarious intent behind his use of this phrase, and that it was a term he had used whilst working at previous schools. Mr Morgan explained that he used humour as part of his method of teaching. The panel found this plausible and consistent with other evidence presented.

The panel was provided with a copy of the minutes from the disciplinary hearing held on 6 July 2022. Whilst this meeting related to Mr Morgan's time at the College rather than the School, the panel noted that when questioned about addressing pupils in colloquial terms, he explained that he used these as a term of endearment.

The panel also considered the witness statement of Pupil 2, which described Mr Morgan calling pupils "gorgeous ones". As above in relation to the previous particular, the panel recognised that the statement of Pupil 2 is hearsay. It therefore considered their evidence with the appropriate caution. It attached less weight to their evidence than it did to the live evidence heard at the hearing, given that the pupil was not present at the hearing and therefore their evidence could not be tested.

On the balance of probabilities, it believed that it was more likely than not that Mr Morgan had made this comment to pupils.

**iv. “you have a fit body”, or words to that effect.**

Mr Morgan denied using the words “you have a fit body” or words to that effect.

The panel noted an error in the witness statement of Witness A. In his witness statement he stated that both the statements Witness C and Pupil 2 referred to Mr Morgan telling a pupil that they had a “fit body”. However, only the witness statement of Pupil 2 makes reference to this; Witness C’s does not. Witness A accepted this error when it was raised with him by the panel. As a result, the sole evidence of this comment being made comes from Pupil 2.

As above in relation to the previous particular, the panel recognised that the statement of Pupil 2 is hearsay. It therefore considered their evidence with the appropriate caution. It attached less weight to their evidence than it did to the live evidence heard at the hearing, given that the pupil was not present at the hearing and therefore their evidence could not be tested.

The panel also took into consideration that the comment “you have a fit body” appears different to the other comments alleged to have been said in Schedule A. It appears to be a comment directed at one particular person rather than a group, which is inconsistent with Mr Morgan’s evidence that he would never use terms for individual pupils.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it found this allegation not proved.

**v. “pussycats”, or words to that effect.**

The panel noted the admission made by Mr Morgan to this particular at the outset of the hearing.

The panel took into account Mr Morgan’s oral evidence provided at this hearing, in which he accepted that he had called pupils “pussycats”. He explained that he had used this term for male and female pupils.

The panel was provided with a copy of the minutes from the disciplinary hearing held on 6 July 2022. Whilst this meeting related to Mr Morgan’s time at the College rather than the School, the panel noted that when questioned about addressing pupils in colloquial terms, he explained that he used these as a term of endearment.

The panel also considered the witness statement of Witness C, which described four pupils telling her that Mr Morgan had called them “pussycats”. Her statement describes the pupils stating that they didn’t like this and that it made them uncomfortable. The panel recognised that the statement of Witness C contains multiple hearsay. It therefore considered her evidence with the appropriate caution. It attached less weight to her

evidence than it did to the live evidence heard at the hearing, given that Witness C was not present at the hearing and therefore her evidence could not be tested. However, the panel took into account that the statement from Witness C was made only a short time after the complaint was raised.

On the balance of probabilities, it believed that it was more likely than not that Mr Morgan had made this comment to pupils.

**vi. “beautiful chicks”, or words to that effect.**

The panel noted the admission made by Mr Morgan to this particular at the outset of the hearing.

The panel took into account Mr Morgan’s oral evidence provided at this hearing, in which he accepted that he had called pupils “beautiful chickens”. He explained that he had used this term for male and female pupils.

The panel was provided with a copy of the minutes from the disciplinary hearing held on 6 July 2022. Whilst this meeting related to Mr Morgan’s time at the College rather than the School, the panel noted that when questioned about addressing pupils in colloquial terms, he explained that he used these as a term of endearment.

The panel also considered the witness statement of Witness C, which described four pupils telling her that Mr Morgan had called them “beautiful chicks”. Her statement describes the pupils stating that they didn’t like this and that it made them uncomfortable. As above in relation to the previous particular, the panel recognised that the statement of Witness C contains multiple hearsay. It therefore considered her evidence with the appropriate caution. It attached less weight to her evidence than it did to the live evidence heard at the hearing, given that Witness C was not present at the hearing and therefore her evidence could not be tested.

On the balance of probabilities, it believed that it was more likely than not that Mr Morgan had made this comment to pupils.

The panel therefore concluded, on the balance of probabilities, that comments i), ii), iii), v) and vi) particularised in Schedule A were made by Mr Morgan and it found particular 1a) proved.

The panel went on to consider whether these comments were inappropriate. It concluded that both individually and collectively, they were inappropriate.

Mr Morgan had been told [REDACTED] to use the correct manner when addressing pupils, and he agreed to do so. However, he continued to use colloquial terms. In arriving at this conclusion, the panel also took account of the wider context, whereby pupils and staff alike had complained about the comments, and some pupils had said that the comments made them feel uncomfortable.



The panel concluded that these comments were inappropriate. Mr Morgan admitted that his language had shown poor judgment and was unprofessional.

**b) Attempted to look up the skirt of Pupil 1.**

The panel considered that three staff members had made reports about the incident with Pupil 1 on 18 June 2015. Those staff members were Witness C, Individual E and Individual F. Whilst the reports were broadly consistent with one another in terms of the events surrounding the incident, the key difference was that only Witness C stated that Mr Morgan appeared to be looking up Pupil 1's skirt. Individual E stated that Mr Morgan was looking at Pupil 1, whilst Individual F said that Mr Morgan was blatantly staring at Pupil 1. As a result, the sole evidence of this particular comes from Witness C.

The panel recognised that the statements of Witness C, Individual E and Individual F are hearsay. It therefore considered their evidence with the appropriate caution. It attached less weight to their evidence than it did to the live evidence heard at the hearing, given that they were not present at the hearing and therefore their evidence could not be tested.

In his oral evidence, Mr Morgan told the panel that on 18 June 2015 school photographs were being taken and Individual G had asked him to ensure that [REDACTED] pupils were outside in time for the photograph. Pupil 1 had stopped to talk to him about her IT work, and he had told her to run along and join her classmates for the photo. Pupil 1 had then fallen over a bag and injured herself. Mr Morgan said that he felt guilty that she had fallen as he had been the one telling her to run to join her classmates. He was therefore concerned for her welfare, which is why he returned to check on her twice. Mr Morgan accepted that, in hindsight, Pupil 1 was receiving adequate first aid from other staff members, and he should perhaps have left them to get on with it rather than returning to check on Pupil 1. He said that he had been keen to ensure that [REDACTED] pupils were outside in time for the photograph, as he had been asked to do, and reflected that perhaps he had been overzealous in performing this duty.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it found this allegation not proved.

**Whilst working as a Teacher at Bideford College ("the School"):**

**2. On one or more occasions between 1 September 2021 and 3 March 2022 you:**

**a) Made inappropriate comments to or about pupils as set out in Schedule B;**

**Schedule B**

**i. "hello my wonderful", or words to that effect.**

The panel noted the admission made by Mr Morgan to this particular at the outset of the hearing.

The panel took into account Mr Morgan's oral evidence provided at this hearing, in which he accepted that he had called pupils "wonderful ones". Mr Morgan told the panel that this comment was directed to pupils generally, rather than any individual pupil. He said that he noticed other staff at the College using such terminology and so decided to use it himself.

The panel was provided with a copy of the minutes from the disciplinary hearing held on 6 July 2022 by the College. It noted that when questioned about addressing pupils in colloquial terms, he explained that he used these as a term of endearment. Likewise, the panel had sight of the minutes from the investigatory meeting held on 21 March 2022 by the College. The minutes record that in response to a question about using certain words, Mr Morgan admitted "Wonderful, I do use. Wonderful is in my vocabulary yes...". Further, the panel noted that Mr Morgan had used the term "wonderful" during the course of his evidence, which suggested that this is a word he uses in everyday life.

The panel also considered the witness statement of Pupil P, which described Mr Morgan greeting people by saying "Hello my wonderful" and "Hello my lovely, my wonderful, every lesson when you walk in". The panel recognised that the statement of Pupil P is hearsay. It therefore considered their evidence with the appropriate caution. It attached less weight to their evidence than it did to the live evidence heard at the hearing, given that the pupil was not present at the hearing and therefore their evidence could not be tested. However, the panel took into account that the statement from Pupil P was made only a short time after the complaint was raised. Mr Morgan did not raise any issues with the hearsay evidence provided by the TRA, but did tell the panel that he was concerned that there may have been some collusion between pupils at the College as, in his view, there were some similarities between their statements.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it found this allegation proved.

ii. **"are you alright beautiful", or words to that effect.**

Mr Morgan denied making the comment "are you alright beautiful" or words to that effect.

The panel took into consideration the minutes from the investigatory meeting held on 21 March 2022 by the College. The minutes record that in response to a question about using the word 'beautiful', Mr Morgan responded "I can't remember using beautiful before... Beauties, Maybe you know, but no, not beautiful".

The panel also considered the witness statements of Pupils B, G and O. Pupil B stated that Mr Morgan had said "hi beautiful people". Whilst Pupil B did not appear to take issue with this, they said that this could be taken the wrong way. Pupil G said that Mr Morgan had said "are you alright beautiful" to three other pupils, Pupils A, N and P. Pupil O's

evidence was that Mr Morgan had said “are you alright beautiful” in a way that made them feel uncomfortable, not in his normal voice but quietly. The panel recognised that the pupils’ statements are hearsay. It therefore considered their evidence with the appropriate caution. It attached less weight to their evidence than it did to the live evidence heard at the hearing, given that the pupils were not present at the hearing and therefore their evidence could not be tested. However, the panel took into account that the statements from the pupils were broadly consistent. Where there were inconsistencies in their evidence, this may be explained by the open nature of the questions they were asked by the interviewer. They were taken over the course of a week and Witness B told the panel that the pupils had been interviewed separately, told not to collaborate and their parents had been informed. Mr Morgan did not raise any issues with the hearsay evidence provided by the TRA, but did tell the panel that he was concerned that there may have been some collusion between pupils at the College as, in his view, there were some similarities between their statements.

The panel noted that in Witness C’s witness statement, albeit in relation to language used at the School rather than at the College, she described witnessing Mr Morgan using the terms “you look beautiful today” to a pupil.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that it was more likely than not that Mr Morgan had made this comment to pupils. The panel was of the view that this comment was in keeping with its previous findings relating to Mr Morgan’s manner and general use of terminology.

**iii. “look at you you’re stick thin”, or words to that effect.**

Mr Morgan denied making the comment “look at you you’re stick thin” or words to that effect. He denied that he would ever “body shame” a pupil. He told the panel that he kept a biscuit barrel in his classroom as he would give biscuits to pupils working in his classroom at lunchtime.

The panel considered the witness statements of Pupils K11, N and a statement which appeared to have been taken from Pupils A and N jointly. Pupil K11 stated that Mr Morgan would mention the girls’ weight and “skinny”. Pupil N said that Mr Morgan would make comments as he gave out biscuits, such as “look at you you’re stick thin”. They stated that this makes them feel so uncomfortable that they do not want to go to their lessons anymore. The joint statement from Pupils A and N stated that Mr Morgan mentioned the girls’ weight and “skinny”, and said “no wonder you’re stick thin” when handing out biscuits. The panel recognised that the pupils’ statements are hearsay. It therefore considered their evidence with the appropriate caution.

The panel took into account that the statements from the pupils were broadly consistent. They were taken during the course of a week and Witness B told the panel that the pupils had been interviewed separately, told not to collaborate and their parents had been informed. Mr Morgan did not raise any issues with the hearsay evidence provided by the TRA, but did tell the panel that he was concerned that there may have been some

collusion between pupils at the College as, in his view, there were some similarities between their statements.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that it was more likely than not that Mr Morgan had made this comment to pupils. The panel was of the view that this comment was in keeping with its previous findings relating to Mr Morgan's manner and general use of terminology. It was also in keeping with Mr Morgan providing pupils with biscuits in class.

**iv. “you need more meat on you”, or words to that effect.**

Mr Morgan denied making the comment “you need more meat on you” or words to that effect.

The panel considered the witness statement of Pupil P, which was the sole evidence in relation to this particular. Pupil P's evidence was that Mr Morgan had said something about Pupils A and N being really skinny and needing more meat on them. This was not corroborated by other pupils, and was not recorded in Pupil P's statement in quotation marks. The panel was not therefore satisfied on the balance of probabilities of the words used, or whether the pupil was paraphrasing what they had heard. The panel also recognised that Pupil P's statement is hearsay. It therefore considered their evidence with the appropriate caution.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it found this allegation not proved.

The panel therefore concluded, on the balance of probabilities, that comments i), ii) and iii) particularised in Schedule B were made by Mr Morgan and it found particular 2a) proved.

The panel went on to consider whether these comments were inappropriate. It concluded that, both individually and collectively, the comments were inappropriate.

Mr Morgan had been told [REDACTED] to use the correct manner when addressing pupils, and he agreed to do so, but he continued to do so when he started working at the College. Further, the panel took into account a letter sent to Mr Morgan [REDACTED] dated 24 November 2015 in which it advised him that his behaviour in using certain terminology was “clearly not acceptable behaviour from an experienced teacher”.

The panel also took account of the wider context, whereby pupils and staff alike had complained about the comments, and some pupils had said that the comments made them feel uncomfortable.

The panel concluded that these comments were inappropriate. Mr Morgan admitted that his language had shown poor judgment and was unprofessional.

**b) Pushed and/ or tapped the chairs of pupils.**

The panel noted the admission made by Mr Morgan to this particular at the outset of the hearing. Mr Morgan had also admitted tapping pupils' chairs in the investigatory meeting held on 21 March 2022.

The panel took into account Mr Morgan's oral evidence provided at this hearing, in which he accepted that he had tapped pupils' chairs when they were not concentrating or had fallen asleep, to get them back on track. He explained that he did this as a subtle method to remind the pupil that they needed to concentrate, rather than by saying this out loud and embarrassing them, or provoking confrontation.

Mr Morgan's account was corroborated by the evidence of the pupils.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it found this allegation proved.

**3. On or around 2 June 2021, you submitted an application form to the School indicating that you had not been dismissed from any previous employment, when this was not the case.**

The panel had regard to the application form Mr Morgan had completed when applying for a job at the College, dated 2 June 2021. In the 'employment history' section of the form Mr Morgan had provided the reason for leaving the School as "End of contract". In the 'questions' section of the form he had responded "No" when asked 'Have you ever been dismissed from any previous employment?'. Mr Morgan had electronically signed a declaration of truth confirming that the information he had provided on the form was correct to the best of his knowledge. The panel was satisfied that Mr Morgan had submitted an application form to the College indicating that he had not been dismissed from any previous employment.

The panel went on to consider whether Mr Morgan had been dismissed by the School, as this was an area of contention between the parties. The panel took into account the live evidence provided by Witness A. He explained that Mr Morgan's employment with the School had ended on 1 July 2015, when his contract was terminated. The School had taken the decision to terminate Mr Morgan's contract as a result of safeguarding concerns, issues with his teaching and problems with ICT coursework. Witness A told the panel that Mr Morgan was notified of his dismissal verbally at the meeting, although he accepted that he had not personally dismissed Mr Morgan and that, some nine years later, he did not specifically recall the word "dismissed" being used at the meeting. He was also unable to confirm whether a letter had been provided to Mr Morgan following the meeting explaining the termination of the contract.

The panel had sight of the notes from the meeting on 1 July 2015. The notes stated that Individual G, [REDACTED], had informed Mr Morgan that under the terms of his contract he was being given 8 weeks' notice of the termination of his contract. The panel noted that the word "dismissal" was not recorded in the notes. It also took into account that Mr Morgan was not provided with a copy of the notes at the time, and was not therefore

given an opportunity to confirm their accuracy. The panel also noted that Mr Morgan was not given written notice of the dismissal, despite his contract requiring this.

In his evidence, Mr Morgan told the panel that his understanding from the meeting was that his contract had been ended. He said that he did not understand that he had been dismissed from the School.

In determining whether Mr Morgan had been dismissed from the School, the panel considered the circumstances of the meeting on 1 July 2015. Mr Morgan was told that his employment had ended with immediate effect and that he was to be escorted directly to his car. He did not return to work after 1 July 2015 and was paid for 8 weeks in lieu of his notice period. Further, he had offered to do some marking over the summer, but his offer was declined by the School.

On the balance of probabilities, the panel believed that it was more likely than not that Mr Morgan had been dismissed from the School. It therefore found particular 3 proved.

#### **4. Your conduct at paragraph 1a) and/ or 1b) and/ or 2a) and/ or 2b) was sexually motivated.**

In light of the panel's findings in relation to allegations 1a) and 2a) and b), it went on to consider whether Mr Morgan's actions were sexually motivated.

On the basis of his conduct and the context in which it occurred, the TRA submitted that the appropriate inference to draw was that Mr Morgan's actions were sexually motivated, either in terms of seeking sexual gratification or seeking a future sexual relationship.

Mr Morgan robustly denied this allegation.

The panel heard that some pupils felt uncomfortable at times with the language used by Mr Morgan.

However, there was no suggestion that Mr Morgan had ever attempted to make contact with pupils outside of the classroom or taken any step which could be perceived as one seeking to encourage an improper relationship. There was also no suggestion of covert behaviour on the part of Mr Morgan.

At times Mr Morgan had lost sight of what would be deemed to be appropriate language and professional behaviour. However, the panel did not consider that there was evidence to support the contention that Mr Morgan's conduct could be described as being sexually motivated.

In arriving at this conclusion, the panel took into account the fact Mr Morgan is understood to be a person of previous good character. The panel also noted that the LADO and criminal procedures were ultimately not pursued.

On balance, the panel accordingly did not consider that the conduct could reasonably be interpreted as evidence that Mr Morgan was sexually motivated towards any pupils. It was not satisfied that Mr Morgan's conduct in relation to the facts found proved was for the purpose of sexual gratification.

On that basis and for the above reasons the panel finds particular 4 not proved.

**5. Your action at paragraph 3;**

**a) Was dishonest;**

**b) Demonstrated a lack of integrity.**

The panel went on to consider whether Mr Morgan's conduct was dishonest and/or lacked integrity.

Having regard to its finding in particular 3, the panel proceeded on the basis that Mr Morgan had been dismissed from the School on 1 July 2015.

In determining whether his conduct was dishonest, the panel considered Mr Morgan's state of knowledge or belief as to the facts before determining whether his conduct was dishonest by the standards of ordinary decent people.

As regards a lack of integrity, the panel took account the decision of the Court of Appeal in *Wingate v SRA; SRA v Mallins* [2018] EWCA Civ 366. It recognised that integrity denotes adherence to the ethical standards of the profession and the panel therefore considered whether, by his actions, Mr Morgan failed to adhere to those standards.

Having regard to all of the evidence before it, the panel concluded, on balance, that Mr Morgan's conduct, as found proved, was not dishonest.

The panel took account of the following matters in particular regarding his state of mind at the time:

1. Whilst there may initially have been some confusion regarding the outcome of the 1 July 2015 meeting, by the time of his application to the College in 2021 Mr Morgan had had sufficient opportunity to reflect on what had happened, and to discuss this in detail with his union representative
2. The correspondence between the School and Mr Morgan's union representative, into which Mr Morgan, by his own admission, was copied, showed that by November 2015 he was aware that the School had concerns about his lack of professionalism and this was well before he completed the application form in 2021
3. Mr Morgan must have had some doubt in his mind by November 2015 that his contract with the School had not merely ended, but that he had been dismissed

4. Mr Morgan was an experienced teacher, and had worked under contracts previously
5. Mr Morgan should have appreciated the difference between the ending of previous employment contracts, which he had left on good terms, and the ending of his employment contract with the School, which had not been on good terms. He had not made such a distinction on his application form
6. Mr Morgan had been advised [REDACTED] that the allegations made by the School had been unfounded
7. Mr Morgan told the panel that Individual H had verbally advised him that as the LADO had found the allegations unfounded, he did not need to declare this in future applications.

It followed that, in recording “End of contract” as the reason for leaving the School, Mr Morgan was not being deliberately misleading and his actions were not tantamount to deception.

This was not, in the panel's view, dishonest conduct by the standards of ordinary decent people.

However, for the same reasons as set out in particular 3, the panel concluded that Mr Morgan's conduct, in recording that he had never been dismissed from any position, did amount to a lack of integrity. He appreciated that the School had safeguarding concerns yet failed to declare this to the College and give them an opportunity to make further enquiries. As such, he showed a disregard for the duties and responsibilities upon him as an experienced teacher. There was an obvious benefit to Mr Morgan in not disclosing that he had previously been dismissed from a previous position.

The panel therefore found allegation 5 proved in part, namely that Mr Morgan's actions lacked integrity.

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

Having found a number of the particulars proved, the panel went on to consider whether they 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 dated February 2022, which is referred to as “the Advice”.



The panel was satisfied that the conduct of Mr Morgan in relation to those facts found proved involved breaches of the Teachers' Standards Guidance for School Leaders, School Staff and Governing Bodies ("the Standards"). The panel considered that, by reference to Part 2, Mr Morgan was in breach of the following standard:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour.

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

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel found that none of these offences was relevant.

In relation to particular 1a) Schedule A i), ii), iii), v) and vi) the panel concluded that these comments were inappropriate and ill-judged, but did not fall significantly short of the standards expected of a teacher.

Likewise, as regards particular 2a) Schedule B i), ii), and iii) the panel concluded that these comments were inappropriate and ill-judged, but did not fall significantly short of the standards expected of a teacher.

In relation to 2b) the panel concluded that the tapping of pupils' chairs was appropriate as it was a behaviour management technique sometimes employed by teachers to ensure pupils return to their tasks. The panel considered that the pushing of pupils' chairs was inappropriate and ill-judged but did not fall significantly below the standards expected of a teacher.

The panel was satisfied that the conduct of Mr Morgan in relation to particulars 3 and 5b) amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In making this judgment, the panel drew upon its knowledge and experience of the teaching profession.

The panel would have expected Mr Morgan as a professional to use the application form to communicate to the College the particular circumstances around his departure from the School and that he would have responded to the invitation contained within the application form to submit confidential information separately.

In considering whether Mr Morgan's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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.

For the reasons set out above, the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Mr Morgan's status as a teacher, and damaging to the public perception of the teaching profession.

The panel therefore found that Mr Morgan's actions in relation to particulars 3 and 5b) constituted conduct that may bring the profession into disrepute.

In summary, the panel found that Mr Morgan's conduct in relation to the particulars referred to above 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. 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;
- declaring and upholding proper standards of conduct; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest.

The panel also considered the case of *Wallace v Secretary of State for Education* [2017] EWHC 109 and, in particular, the proportionality test set out by the High Court, namely:

*'whether a less intrusive measure could be used without unacceptably compromising the achievement of the relevant objectives and whether, having regard to these matters and the severity of the consequences for the individual, a fair balance can be struck between the rights of the individual and the interests of the public'.*

In the light of the panel's findings against Mr Morgan, which involved a lack of integrity, there was a strong public interest consideration in the maintenance of public confidence in the profession and in declaring and upholding proper standards of conduct.

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

However, the panel also determined that there was a public interest in Mr Morgan remaining in the profession. There was evidence that he had had a positive relationship with his pupils over the course of his teaching career, and the panel considered that he is able to make a valuable contribution to the profession. As a result of the TRA

investigation Mr Morgan had taken some time away from teaching, but during the hearing he expressed a strong desire to return.

Further, whilst the misconduct was serious, this was an isolated episode of a lack of integrity in the context of Mr Morgan's career as a whole.

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 Morgan.

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 Morgan. 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;
- a lack of integrity; and
- concealment of his dismissal from the School.

Having found that some of the behaviours proved in this case indicated that a prohibition order may 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 considered that the following mitigating factors were present in this case:

- There was initially some confusion in Mr Morgan's mind regarding the outcome of the 1 July 2015 meeting, and he was not given written notice of the dismissal.
- Mr Morgan had not been subject to any previous regulatory proceedings. He had an otherwise unblemished record over the course of his teaching career.
- Mr Morgan had fully engaged with the TRA process and demonstrated a level of insight into and remorse for his behaviour.
- There was positive evidence about Mr Morgan's prior practice as a teacher. For example, there was evidence of positive engagement with pupils in that they would attend his classroom at lunchtime to complete work, and some pupils had written him thank you cards. Mr Morgan also told the panel that he had established school clubs and assisted with distributing food parcels to pupils during the Covid pandemic.

- Mr Morgan made some early admissions during the TRA process.
- The panel was provided with a positive testimonial on Mr Morgan's behalf from a former colleague.

Weighed against these matters, the panel considered there were some aggravating factors present, including:

- Mr Morgan was in a position of trust and responsibility as well as a role model. The panel considered he ought to have known what was expected of him as an experienced teacher and should have conducted himself accordingly.
- Whilst the panel accepted that Mr Morgan's behaviour was not deliberately misleading, it resulted in the concealment of his dismissal from the School.
- Mr Morgan's actions amounted to a breach of the Teachers' Standards.

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, on balance, the recommendation of no prohibition order would be both a proportionate and an appropriate response.

The nature of the proven conduct in this case was serious for the reasons outlined. Mr Morgan was aware that the School had raised some safeguarding concerns yet failed to declare this to the College and thus deprived them of the opportunity to make further enquiries. As such, he showed a disregard for the duties and responsibilities upon him as an experienced teacher. This demonstrated a clear lack of integrity, which led to the concealment of his dismissal. There is a strong public interest in maintaining public confidence in the profession and declaring and upholding proper standards of conduct. For the reasons outlined, Mr Morgan's actions were inappropriate.

However, having considered the mitigating factors present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case for the following reasons.

Firstly, this was an isolated episode of a lack of integrity in the context of Mr Morgan's career as a whole. The panel had sight of a letter [REDACTED] to Mr Morgan advising him that safeguarding allegations made by the School had been unfounded. Mr Morgan also stated that Individual H had verbally advised him that he did not need to declare this in future applications.

Secondly, Mr Morgan's actions, whilst lacking in integrity, were not deliberately misleading.

Thirdly, the panel concluded that the risk of repetition was low. Having gone through this experience, the panel considered it was unlikely that Mr Morgan would put himself in the same situation again. The panel was satisfied, on balance, that it was more likely than not that Mr Morgan will have learnt important lessons and his mistakes were unlikely to be repeated. In addition, Mr Morgan told the panel that were he to return to teaching, he would seek guidance from a mentor and attend new teaching courses to help him to become a better teacher.

In light of all these matters and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate or proportionate in this case.

Having very carefully taken account of the public interest considerations Mr Morgan's proven conduct gave rise to, the panel considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message as to the standards of behaviour that were acceptable.

When considered in conjunction with Mr Morgan's career as a whole, the panel did not think that his proven actions were fundamentally incompatible with him being a teacher.

The panel considered this was a proportionate outcome, particularly in circumstances where the panel's published findings will likely have a residual impact in terms of his professional reputation and future employment prospects.

In the panel's judgement, given the limited risk of repetition, this recommendation maintains public confidence, upholds professional standards of conduct within the teaching profession and strikes the right balance between the rights of the teacher and the public interest.

## 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 sanction.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, and/or found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Nicholas Morgan should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour.

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

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 Morgan, 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, "Mr Morgan was aware that the School had raised some safeguarding concerns yet failed to declare this to the College and thus deprived them of the opportunity to make further enquiries. As such, he showed

a disregard for the duties and responsibilities upon him as an experienced teacher. This demonstrated a clear lack of integrity, which led to the concealment of his dismissal.” A prohibition order would prevent this risk occurring in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “Mr Morgan had fully engaged with the TRA process and demonstrated a level of insight into and remorse for his behaviour.” I have therefore given this element 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, “In the light of the panel’s findings against Mr Morgan, which involved a lack of integrity, there was a strong public interest consideration in the maintenance of public confidence in the profession and in declaring and upholding proper standards of conduct.”

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 Morgan himself and the panel comment “There was positive evidence about Mr Morgan's prior practice as a teacher. For example, there was evidence of positive engagement with pupils in that they would attend his classroom at lunchtime to complete work, and some pupils had written him thank you cards. Mr Morgan also told the panel that he had established school clubs and assisted with distributing food parcels to pupils during the Covid pandemic.”

A prohibition order would prevent Mr Morgan 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 also determined that there was a public interest in Mr Morgan remaining in the profession. There was evidence that he had had a positive relationship with his pupils over the course of his teaching career, and the panel considered that he is able to make a valuable contribution to the profession. As a result of the TRA investigation Mr Morgan had taken some time away from teaching, but during the hearing he expressed a strong desire to return.”



I have also placed considerable weight on the finding “the panel concluded that the risk of repetition was low. Having gone through this experience, the panel considered it was unlikely that Mr Morgan would put himself in the same situation again. The panel was satisfied, on balance, that it was more likely than not that Mr Morgan will have learnt important lessons and his mistakes were unlikely to be repeated. In addition, Mr Morgan told the panel that were he to return to teaching, he would seek guidance from a mentor and attend new teaching courses to help him to become a better teacher.”

I have given weight in my consideration of sanction therefore, to the contribution that Mr Morgan has made to the profession.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 27 June 2024**

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