



Teaching
Regulation
Agency

Mr Tom Carson: Professional conduct panel meeting outcome

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

March 2024

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

Teacher:	Mr Tom Carson
Teacher ref number:	0536476
Teacher date of birth:	15 August 1983
TRA reference:	20247
Date of determination:	27 March 2024
Former employer:	Exeter School, Devon

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 27 March 2024, to consider the case of Mr Tom Carson.

The panel members were Mr Nicholas Catterall (lay panellist – in the chair), Mrs Kate Hurley (teacher panellist) and Dr Louise Wallace (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

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

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 16 February 2024.

It was alleged that Mr Carson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed as a teacher at Exeter School ("the School"):

1. He developed and/or engaged in an inappropriate relationship with Pupil A between January and August 2021, in one or more of the ways set out in Schedule 1.
2. His conduct as may be found proven in relation to the matters set out at (a), (b), (c) and/or (d) of Schedule 1 was sexually motivated.
3. He failed to properly record and/or report safeguarding information relating to Pupil A which had been disclosed to him in or around November 2020.
4. He failed to take sufficient steps to safeguard Pupil A following them making a disclosure of the nature described in Schedule 2 on one or more occasions in January 2021, in that he:-
 - a. did not inform School's Designated Safeguarding Lead and/or any other member of School staff;
 - b. did not inform Pupil A's parent(s).
5. In or around August 2021, he:
 - a. asked Pupil A to delete text messages and/or emails between them;
 - b. told Pupil A that, in terms of physical contact between them, he would only admit to physical contact of the kind set out at (c)(ii) of Schedule 1 if asked, and suggested that Pupil A do the same.
6. His conduct as may be found proven at 5a and/or 5b above was dishonest, in that you were attempting to influence Pupil A into providing a limited and/or incomplete account of your relationship.

Schedule 1

He developed and/or engaged in an inappropriate relationship with Pupil A between January and August 2021, in that he:

- a. exchanged messages with Pupil A on one or more occasions;
 - i. including personal messages via text and/or WhatsApp;

- ii. including coded messages.
- b. Met with Pupil A alone both on and off school grounds on one or more occasions;
- c. Had physical contact with Pupil A on one or more occasions, in that you:
 - i. Hugged Pupil A and/or held Pupil A's hand;
 - ii. Kissed Pupil A.
- d. Had sexual contact with Pupil A on one or more occasions, in that he:
 - i. Kissed Pupil A;
 - ii. Engaged in acts of mutual [REDACTED].

Schedule 2

Pupil A told him words to the effect that [REDACTED].

Preliminary applications

There were no preliminary applications for the panel to consider.

The panel noted that Mr Carson and his legal representatives had made an application to restrict the amount of information that might be published on the TRA's website to protect third parties including Pupil A, should certain findings be made against Mr Carson. The panel further noted that the Presenting Officer's written submissions stated that such decisions fell to the relevant decision maker on behalf of the Secretary of State and that the panel was not required to adjudicate on the issue. The panel's Legal Adviser confirmed this position. Accordingly, the panel has therefore not considered this application.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 5 to 8

Section 2: Notice of proceedings and response – pages 9 to 17

Section 3: Statement of Agreed Facts and TRA submissions – pages 18 to 33

Section 4: Teaching Regulation Agency documents – pages 34 to 546

Section 5: Teacher documents – pages 547 to 589

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting. The panel also considered Exhibit PA1, a separate bundle of 359 pages consisting of WhatsApp communications between Mr Carson and Pupil A and a further document which the parties agreed to be placed before the panel which was a two page letter from Pupil A's [REDACTED] to Pupil A, dated 21 February 2024.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Carson on 23 November 2023.

In the statement, Mr Carson admitted the allegations in full and that they would amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Decision and reasons

The panel carefully considered the case and reached a decision.

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

Mr Carson obtained 'qualified teacher status' in 2006. He was employed as a Chaplain at Exeter School (the "School") from September 2015. In addition to his role as the Chaplain, Mr Carson also undertook some teaching duties at the School. Accordingly, there is no dispute between the parties that Mr Carson's conduct falls under the jurisdiction of the TRA.

Pupil A was a pupil at the School. In 2019, Pupil A [REDACTED]. In October 2019, Pupil A was referred to Mr Carson for pastoral support. From this date Mr Carson regularly met with Pupil A to provide support.

On 11 August 2021, Mr Carson wrote a letter to the School's Headteacher. In his letter Mr Carson explained that he had developed an inappropriate relationship with Pupil A. He stated "*it was a good pastoral relationship gone badly wrong*". Mr Carson further set out a chronology detailing his contact with Pupil A. In the letter he tendered his resignation stating his actions amounted to gross misconduct.

Findings of fact

The findings of fact are as follows:

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

1. You developed and/or engaged in an inappropriate relationship with Pupil A between January and August 2021, in one or more of the ways set out in Schedule 1.

In the statement of agreed facts, Mr Carson admitted this allegation in full. He confirmed that following [REDACTED], he continued to offer support to Pupil A via WhatsApp which developed into personal contact and included the use of codes in those messages to conceal his actions.

Mr Carson further admitted meeting with Pupil A away from the school premises, without the knowledge of the School or Pupil A's parents. He accepted the reasons for meeting Pupil A was due to developing personal feelings for Pupil A. He also accepted on those occasions there was physical contact between them, including: hugging, holding hands, kissing and touching each other's [REDACTED].

The panel was satisfied that Mr Carson's admissions were unequivocal and were consistent with the surrounding evidence in the bundle. Accordingly, the panel found allegation 1 proved in full.

2. Your conduct as may be found proven in relation to the matters set out at (a), (b), (c) and/or (d) of Schedule 1 was sexually motivated.

The panel took into account that sexual motivation means conduct that was done either in the pursuit of a future sexual relationship or the pursuit of sexual gratification. In the statement of agreed facts Mr Carson admitted that his conduct was in pursuit of both of those aims.

The panel was satisfied that Mr Carson's admissions were unequivocal and were consistent with the surrounding evidence in the bundle. Accordingly, the panel found allegation 2 proved in full.

3. You failed to properly record and/or report safeguarding information relating to Pupil A which had been disclosed to you in or around November 2020.

The statement of agreed facts set out that as the pastoral relationship developed with Pupil A, began to be forthcoming in [REDACTED] with Mr Carson. In September 2020, Pupil A disclosed to Mr Carson that Pupil A's difficulties with [REDACTED] had

become much worse (having previously disclosed to Mr Carson [REDACTED] had become a problem earlier in the year). Mr Carson arranged further support for Pupil A through a colleague and in communication with Pupil A's mother.

Pupil A disclosed to Mr Carson in November 2020 that Pupil A had been [REDACTED]. Although Mr Carson spoke to the School's Designated Safeguarding Lead ("DSL") about the situation (albeit he did not disclose the identity of Pupil A to the DSL in that conversation), he accepted he failed to record this information anywhere which meant the School could not take any steps to ensure that Pupil A was appropriately safeguarded.

Mr Carson admitted this allegation in full. The panel was satisfied that Mr Carson's admissions were unequivocal and were consistent with the surrounding evidence in the bundle. The School's safeguarding policy was in the evidence before the panel and it set out a clear protocol, which Mr Carson did not follow. The panel considered this was a particularly dangerous failure which may have exposed Pupil A to further harm and was a purposeful and active decision made by Mr Carson to step outside of the safeguarding protocol.

Accordingly, the panel found allegation 3 proved in full.

4. You failed to take sufficient steps to safeguard Pupil A following them making a disclosure of the nature described in Schedule 2 on one or more occasions in January 2021, in that you:-

a. did not inform School's Designated Safeguarding Lead and/or any other member of School staff;

b. did not inform Pupil A's parent(s).

The statement of agreed facts set out that on 8 January 2021, Pupil A disclosed to Mr Carson that [REDACTED]. Mr Carson accepted he failed to inform the School or Pupil A's parents about the disclosures Pupil A had made before the incident on 16 January and that this compromised their ability to ensure that steps were taken to appropriately safeguard Pupil A.

Mr Carson admitted this allegation in full. The panel was satisfied that Mr Carson's admissions were unequivocal and were consistent with the surrounding evidence in the bundle.

Accordingly, the panel found allegation 4 proved in full.

The panel noted that by January 2021, Pupil A had disclosed to Mr Carson:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The panel considered that Mr Carson could be under no other apprehension than that Pupil A was an exceptionally vulnerable pupil.

5. In or around August 2021, you:

a. asked Pupil A to delete text messages and/or emails between you;

b. told Pupil A that, in terms of physical contact between them, you would only admit to physical contact of the kind set out at 1(c)(ii) of Schedule 1 if asked, and suggested that Pupil A do the same.

The statement of agreed facts set out that in August 2021, Mr Carson contacted Pupil A and told Pupil A that [REDACTED] and that there had been a discussion between Mr Carson [REDACTED] about informing the School. In later conversations, Mr Carson asked Pupil A to delete emails between them on Pupil A's School account and text messages between them that were on Pupil A's mobile phone. Furthermore Mr Carson told Pupil A that he was only going to tell the School that they had kissed and when they would inevitably approach Pupil A and suggested to Pupil A to say the same.

In Pupil A's statement, Pupil A explained how they felt under pressure not to give a full account of the relationship in the first instance.

Mr Carson admitted this allegation in full. The panel was satisfied that Mr Carson's admissions were unequivocal and were consistent with the surrounding evidence in the bundle.

Accordingly, the panel found allegation 5 proved in full.

6. Your conduct as may be found proven at 5a and/or 5b above was dishonest, in that you were attempting to influence Pupil A into providing a limited and/or incomplete account of your relationship.

The statement of agreed facts sets out Mr Carson's state of mind at the time of this allegation. Mr Carson stated to Pupil A that he was going to resign and that an investigation would invariably follow. He had asked Pupil A to give an edited account of their relationship in order to limit the embarrassment to himself, his family and

Pupil A. He accepted that the ordinary decent person would consider such actions as dishonest.

The panel was satisfied that Mr Carson's admissions were unequivocal and were consistent with the surrounding evidence in the bundle. The panel also was satisfied that central to Mr Carson's state of mind was the impending further fallout of his exposed inappropriate relationship with a pupil and that his resulting actions with Pupil A were an attempt to minimise that potential damage. The panel was further satisfied that the 'ordinary decent person' would consider a person taking actions to minimise or hide their wrongdoing would be considered as acting dishonestly.

Accordingly, the panel found allegation 6 proved in full.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

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

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

The panel also considered whether Mr Carson's conduct displayed behaviours associated with any of the offences listed on pages 12 onwards 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 were directly relevant in this case and the absence of such a relevant offence was only a factor to be taken in the round when considering if Mr Carson's actions amount to unacceptable professional conduct.

The panel noted that some of the allegations took place outside the education setting. As the conduct directly related to Mr Carson's sexually motivated inappropriate conduct with a pupil, the panel was satisfied that those allegations which took place outside the education setting still touched on the way Mr Carson fulfilled his teaching role and led to Pupil A being exposed to or influenced by the behaviour in a harmful way. Accordingly the panel was satisfied that where allegations took place outside the education setting, they could still amount to unacceptable professional conduct.

The panel noted that Mr Carson's conduct took place over an extended period of time and included a series of behaviours towards Pupil A. This was not a momentary lapse of judgment, but a sustained course of conduct in which the needs of an extremely vulnerable pupil were exploited by Mr Carson ultimately for his own sexual gratification. It included manipulating others around Pupil A, such as their mother into trusting him to support Pupil A. The panel recognised that the pastoral relationship can be a delicate one, but Mr Carson's actions crossed the boundary by the widest mark. It was an egregious breach of the trust placed in him.

In balancing these above factors, the panel was satisfied that the conduct of Mr Carson fell significantly short of the standards expected of the profession. The panel was satisfied that Mr Carson was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave. The findings of misconduct were 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 the public would be shocked to find a regulator not taking action where a teacher had exploited his professional position to enter into a sexualised relationship with a pupil. Furthermore the requirement to act with honesty and integrity and to safeguard pupils was central to the way that the public expect teachers to behave. Mr Carson's actions were a fundamental breach of this trust the public placed on the profession.

The panel therefore found that Mr Carson's actions constituted 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 protection of pupils;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct;

In the light of the panel's findings against Mr Carson, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with a pupil. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Carson were not treated with the utmost seriousness when regulating the conduct of the profession. The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Carson was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Carson.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);

- an 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, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
 - lying to prevent the identification of wrongdoing;

The panel considered that although the Advice makes reference to 'a child' in some of the above factors, it would equally apply to a 18 year pupil and have interpreted the Advice accordingly.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no suggestion in the evidence that Mr Carson's actions were not deliberate or that he was acting under duress. The panel noted that Mr Carson did not have any adverse regulatory history and that he had engaged in the regulatory process.

The panel took into account that it was Mr Carson who self-reported his conduct to the School (and Pupil A's mother). However, this needed to be considered against Mr Carson's behaviour in attempting to coerce Pupil A into not revealing information about their relationship. Additionally, the evidence suggested that Mr Carson only made the relevant disclosures himself [REDACTED]. Accordingly, Mr Carson's full acceptance and admissions came somewhat later in the chain of events.

The panel consider that in the evidence before it, although Mr Carson expressed his apologies to Pupil A there was little evidence of considered remorse or insight into his

actions. There appeared to be little reflection on the actual actions he took with an extremely vulnerable pupil and none regarding his actions towards others, particularly with Pupil A's mother.

There was no material evidence before the panel which demonstrated the steps or strategies that Mr Carson was taking to ensure that such misconduct would not happen again in the future.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Carson 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 Carson. Material to the panel's consideration was the ongoing risk of similar misconduct reoccurring in the future. In the absence of any evidence demonstrating that risk had been significantly reduced, it was still at a level where restrictive regulatory action was necessary to protect pupils. Additionally, when balancing the aggravating and mitigating circumstances present in this case, its overall seriousness called for a higher regulatory sanction to protect the wider public interest factors.

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

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include:

- serious sexual misconduct e.g. 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;

The Advice further indicates where a case involved any of the following, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate:

- fraud or serious dishonesty;

The panel found that Mr Carson was responsible for a series of failings in relation to his conduct with Pupil A. These included serious misconduct with a very vulnerable pupil, in which he exploited them for his own sexual gratification. Mr Carson's actions had a significant harmful impact on Pupil A's life and has continued for a number of years. Mr Carson's dishonest actions in attempting to conceal the true nature of the relationship went hand in hand with his other exploitative actions with Pupil A.

Accordingly, the panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to 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 Tom Carson should be the subject of a prohibition order, with no provision for a review period.

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

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

The panel was satisfied that the conduct of Mr Carson involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Mr Carson 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 relationship with a pupil and dishonest conduct.

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 Carson, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "The panel noted that Mr Carson's conduct took place over an extended period of time and included a series of behaviours towards Pupil A. This was not a momentary lapse of judgment, but a sustained course of conduct in which the needs of an extremely vulnerable pupil were exploited by Mr Carson ultimately for his own sexual gratification." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel has set out as follows, "The panel consider that in the evidence before it, although Mr Carson expressed his apologies to Pupil A there was little evidence of considered remorse or insight into his actions. There appeared to be little reflection on the actual actions he took with an extremely vulnerable pupil and none regarding his actions towards others, particularly with Pupil A's mother." The panel has also commented, "There was no material evidence before the panel which demonstrated the steps or strategies that Mr Carson was taking to ensure that such misconduct would not happen again in the future." In my judgement, the panel's findings on the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed that “the public would be shocked to find a regulator not taking action where a teacher had exploited his professional position to enter into a sexualised relationship with a pupil. Furthermore the requirement to act with honesty and integrity and to safeguard pupils was central to the way that the public expect teachers to behave. Mr Carson’s actions were a fundamental breach of this trust the public placed on the profession.” I am particularly mindful of the finding of an inappropriate relationship with a child and dishonesty in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Carson himself. The panel has commented that “Mr Carson did not have any adverse regulatory history and that he had engaged in the regulatory process.”

A prohibition order would prevent Mr Carson 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 findings of the panel concerning the seriousness of Mr Carson’s misconduct and the risk of repetition. The panel has said, “In the absence of any evidence demonstrating that risk had been significantly reduced, it was still at a level where restrictive regulatory action was necessary to protect pupils. Additionally, when balancing the aggravating and mitigating circumstances present in this case, its overall seriousness called for a higher regulatory sanction to protect the wider public interest factors.”

I have also placed considerable weight on the comments of the panel about the lack of full insight and remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Carson has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight and remorse,

does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments that the Advice indicates that serious sexual misconduct would militate against the recommendation of a review period, and that in cases of serious dishonesty the public interest will weigh in favour of a longer review period.

The panel has said, "Mr Carson was responsible for a series of failings in relation to his conduct with Pupil A. These included serious misconduct with a very vulnerable pupil, in which he exploited Pupil A for his own sexual gratification. Mr Carson's actions had a significant harmful impact on Pupil A's life and has continued for a number of years. Mr Carson's dishonest actions in attempting to conceal the true nature of the relationship went hand in hand with his other exploitative actions with Pupil A."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct found proven, the dishonesty found, and the panel's findings on the lack of full insight and remorse.

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

This means that Mr Tom Carson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Carson shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Carson 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: 2 April 2024

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