



Teaching
Regulation
Agency

Mr Barry Wilson: Professional conduct panel meeting outcome

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

June 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	7
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	17

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

Teacher:	Mr Barry Wilson
Teacher ref number:	0987214
Teacher date of birth:	05 March 1978
TRA reference:	0021136
Date of determination:	27 June 2024
Former employer:	Dyke House Academy, Hartlepool

Introduction

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

The panel members were Aidan Jenkins (teacher panellist – in the chair), Emma Hendry (lay panellist) and Gemma Hutchinson (teacher panellist).

The legal adviser to the panel was Tania Dosoruth of Blake Morgan solicitors.

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

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 17 April 2024

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

He was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Teacher at Dyke House Academy:

1. On or around 11 January 2021, he did not attend one or more on-line lessons that he was responsible for.
2. On or around 22 January 2021 he attended work smelling of alcohol.
3. On or around 16 June 2021, he engaged in threatening behaviour towards Person A, in that he threatened to “smash the [car] windows in”, or words to that effect.
4. On or around 21 September 2021 you used excessive and/or physical force in that you kicked and/or caused damage to Person A’s front door.
5. He failed to inform the School of his arrest on:
 - a. 16 June 2021
 - b. 4 October 2021
6. His conduct at paragraph 5a and/or 5b was:
 - a. Dishonest
 - b. Lacking integrity

Mr Wilson admitted the facts of the allegations and that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Notice of Referral & Response – pages 8 to 23

Section 2: Statement of Agreed Facts and Presenting Officer Representations – pages 25 to 28

Section 3: Teaching Regulation Agency documents – pages 29 to 251

Section 5: Teacher documents – pages 252 to 256

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

Statement of agreed facts

The panel considered a statement of agreed facts, which was signed by Mr Wilson on 10 January 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Wilson 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.

The panel proceeded to carefully consider the case, having read all the documents, and reached a decision.

Mr Wilson was previously employed as a Teacher within the ACE provision at Dyke House Academy ("the School").

On 11 January 2021, Mr Wilson was delivering lessons online from home as he had requested to work from there. Mr Wilson delivered his first two lessons but then did not come back on line after the break for period 3 or 4. The School attempted to contact him from 11.10am but despite numerous phone calls and messages Mr Wilson did not come back online though following a welfare check he was found to be at home and appeared to have been asleep and seemed disorientated.

On 22 January 2021 Mr Wilson attended the School at around 8.50am. Mr Wilson was described by other members of staff as looking dishevelled and unkept and as smelling of alcohol. These concerns were reported to Individual A, [REDACTED].

Individual A spoke with Mr Wilson on the same day in the presence of Individual B, [REDACTED]. During this conversation, Mr Wilson initially denied smelling of alcohol but stated that he [REDACTED]. Mr Wilson indicated that he felt he was doing a good job, but during the conversation admitted to drinking the previous night. Mr Wilson was offered support from Occupational Health by Individual B and [REDACTED].

On 27 January 2021, Mr Wilson was suspended pending disciplinary action from the School as a result of the incidents which had occurred on 21 and 22 January 2021. On 4 March 2021 it was confirmed that following an investigation the matter should be considered at a disciplinary hearing. The disciplinary hearing took place on 17 March 2021 and Mr Wilson was issued with a final written warning.

On 16 June 2021, Person A called the police due to an incident that had occurred outside [REDACTED]. Mr Wilson had attended the property at 7.00pm wanting to see [REDACTED]. He approached the car where the [REDACTED] were sitting and tried to open the door, but it was locked. Mr Wilson then said, "*Open your car or I'll smash the windows in*". Person A described feeling frightened by his behaviour as Mr Wilson was "irate". The police attended by which time Mr Wilson was calm though he was described as intoxicated. He was arrested but no charges were brought as Person A did not support the prosecution. Mr Wilson did not inform the School of the arrest, but the School were informed by the Local Authority Designated Officer ('LADO') of the matter on 21 June 2021. On 28 June 2021 Mr Wilson was suspended pending disciplinary action as a result.

On 13 July 2021 Mr Wilson contacted the School to explain that he had had a [REDACTED].

On 21 September 2021, Person A arrived home from work and noticed a hole in [REDACTED] front door and called the police. CCTV footage showed that Mr Wilson had been present at the house earlier that day and his leg could be seen swinging back and forth towards the front door. On 4 October 2021, Mr Wilson was arrested as a result of this incident. Mr Wilson did not inform the school of his arrest.

On 31 August 2022 Mr Wilson ceased employment at the School and the matter was referred to the TRA on 5 October 2022.

In considering the allegations, the panel did not rely upon any findings made or opinions expressed in the documentation included within the hearing papers. It formed its own, independent view of the allegations based on the evidence presented to it.

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. On or around 11 January 2021, you did not attend one or more on-line lessons that he was responsible for.

The panel considered allegation 1.

Mr Wilson admitted that he did not attend online lessons on 11 January 2021 as he had fallen asleep and therefore admitted the allegation.

Mr Wilson emphasised that this had occurred in the context of his [REDACTED] Mr Wilson also stated that he had not consumed alcohol that day.

The Panel carefully analysed the evidence before it. It noted that Mr Wilson's admission to this matter was consistent with the TRA's evidence which consisted of accounts given by members of staff and the account provided by Mr Wilson when he was interviewed as part of the disciplinary investigation on 24 February 2021. The Panel accordingly found the facts of the allegation 1 proved.

2. On or around 22 January 2021 he attended work smelling of alcohol

The panel considered allegation 2.

Mr Wilson accepted that he had attended work smelling of alcohol but denied that he was under the influence of alcohol. Mr Wilson stated that he had not ingested any alcohol that day but accepted that he had drunk heavily the night before. Mr Wilson stated that at the time he had been going through a significant period of emotional distress.

The allegation was accordingly admitted by Mr Wilson.

The Panel considered that Mr Wilson had accepted that he had attended work smelling of alcohol and that this admission was consistent with the TRA's evidence. In particular, the Panel noted that Mr Wilson's admission was consistent with the account that he gave

at the time to Individual A and the evidence from staff members about the incident on 22 January 2021.

The panel therefore found the facts of allegation 2 proved.

3. On or around 16 June 2021, you engaged in threatening behaviour towards Person A, in that he threatened to “smash the [car] windows in”, or words to that effect.

The panel considered allegation 3 which was admitted by Mr Wilson.

Mr Wilson admitted that he had engaged in threatening behaviour towards Person A and that he had made the threat to smash the car windows in. Mr Wilson stated that he took responsibility for his actions which were not acceptable. Mr Wilson described that the incident had occurred at a time when he was living alone and in an extremely vulnerable and isolated position [REDACTED] without any robust support mechanisms in place. Mr Wilson stated that this had affected his stability and judgement at the time.

The Panel considered the TRA’s evidence in relation to this allegation which consisted of disclosure from the police including witness statements in relation to what had occurred. The Panel considered that Mr Wilson’s admission as being clear and unequivocal as well as being consistent with the TRAs evidence in relation to the facts alleged.

The panel therefore found the facts of allegation 3 proved.

4. On or around 21 September 2021 you used excessive and/or physical force in that you kicked and/or caused damage to Person A’s front door.

The panel considered allegation 4 which was admitted by Mr Wilson.

As with allegation 3, Mr Wilson admitted that the incident had occurred and that his behaviour was not acceptable but emphasised that it had occurred in the context of his illness and vulnerable position at the time.

The Panel noted that the TRA’s evidence consisted of the witness statement of Person A which was taken by the police. As with allegation 3, the Panel noted that Mr Wilson’s admission was unequivocal to the facts of the allegation and accordingly found allegation 4 proved.

5. You failed to inform the School of your arrest on:

- a. 16 June 2021**
- b. 4 October 2021**

The panel considered allegations 5a and 5b together.

Mr Wilson admitted both allegations 5a and 5b.

Mr Wilson stated that his reasons for not declaring his arrests to the School were that he felt ashamed of his conduct and that if he had just waited and sought advice from friends and family, he would have done things differently.

The Panel considered the TRA's evidence and noted that in relation to the first incident on 16 June 2021 that the School had only become aware of Mr Wilson's arrest from the Local Authority Designated Office ('LADO') on 21 June 2021. It was not clear how the School had been informed of the second arrest on 4 October 2021, however the Panel noted that there was nothing to suggest that Mr Wilson had disclosed this arrest to the School.

The Panel were of the view that Mr Wilson's admission was clear that he did not inform the School of his arrest on both occasions and that this was consistent with the TRA's evidence and therefore found this allegation proved.

The Panel therefore found allegation 5a and 5b proved.

6. Your conduct at paragraph 5a and/or 5b was:

a. Dishonest

b. Lacking integrity

The Panel considered allegations 6a. and 6b. together.

Mr Wilson admitted both allegations 6a. and 6b in full. Mr Wilson stated that it was shame which had prevented him from disclosing his arrests to the School and that he had made a mistake. Mr Wilson stated that at the time he had been unwell and that [REDACTED] he had not on any other occasion sought to mislead or obfuscate any behaviour to his employer.

The panel considered whether Mr Wilson's actions should be considered as dishonest. It was mindful that it needed to consider first Mr Wilson's knowledge and belief as to the facts and then whether by the standard of ordinary decent people Mr Wilson's actions should be considered as dishonest. The panel was of the view that Mr Wilson knew that he had been arrested on both occasions and that this needed to be disclosed to the School but that he did not do this as a result of being ashamed of his conduct. The panel noted that Mr Wilson accepted that this had been a mistake.

The panel concluded that as Mr Wilson knew he should have disclosed his arrest but did not do so his actions were dishonest by the standard of ordinary decent people. The

panel was of the view that Mr Wilson had acted deliberately so as to conceal his arrests. The panel also considered that Mr Wilson had accepted that he had acted dishonestly and therefore found allegation 6a. proved.

In relation to allegation 6b. the panel noted that as a teacher there was an expectation on Mr Wilson to act to a higher standard by society than non-teachers and that in this context this included being honest to an employer. The panel noted that Mr Wilson accepted that he should have disclosed his arrests to his employer and that it was only his own shame and embarrassment that had prevented him from doing so. The panel considered that Mr Wilson had not acted in accordance with the higher standard that is accepted of professionals as he knew that he should have disclosed the arrests but did not do so. The panel further noted that Mr Wilson had admitted that he had not acted with integrity. The panel therefore decided to find the allegation proved.

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

Having found all of 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.

Mr Wilson admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. Whilst the panel took these admissions into account, it made its own determination.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour within and outside school by:
 - Showing tolerance of and respect for the rights of others
 - Not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs. The panel considered this standard to be relevant only in so far as it related to not undermining the rule of law in this case.
- 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 considered whether Mr Wilson's conduct was misconduct of serious nature which fell significantly short of the standard of behaviour expected of a teacher. It noted that misconduct outside of an education setting would only amount to unacceptable professional conduct if it affects the way that the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way.

The panel considered as a preliminary issue whether there was any evidence in respect of Mr Wilson's health which first impacted on his conduct at the time and secondly which meant that Mr Wilson could not be considered to be morally culpable. The panel was of the opinion that whilst there was evidence which demonstrated that [REDACTED] may have impacted on his behaviour at the time, it did not have any evidence to suggest that Mr Wilson was not responsible for his actions at the time or [REDACTED].

The panel first considered whether allegation 1 amounted to unacceptable professional conduct. The panel noted that whilst Mr Wilson had not attended an online lesson this appeared to be an isolated incident which should be viewed in the context of learning at the time during the pandemic. The panel noted that Mr Wilson had taught his earlier lessons that day and therefore inferred that Mr Wilson had not intended to miss any lessons. In the circumstances the panel considered this matter to be a momentary lapse of judgement which was not sufficiently serious so as to amount to unacceptable professional conduct.

In relation to allegation 2, the Panel considered that whilst it was accepted that Mr Wilson had attended for work whilst smelling of alcohol, there was nothing to undermine his account that this was solely as a result of having drunk alcohol the previous evening. The panel noted that whilst Mr Wilson was described as looking dishevelled, there was no evidence that he was either under the influence of alcohol or unfit to teach and that smelling of alcohol could be attributable to a number of factors. The panel was also mindful of this being a recently isolated incident and not a pattern. In the circumstances the Panel did not consider in this context that this allegation was sufficiently serious so as to amount to unacceptable professional conduct.

In relation to allegations 3 and 4 the panel considered whether Mr Wilson's conduct displayed behaviours associated with any of the offences listed within the Advice. The Advice indicates that where behaviours associated with such an offence exist even when a teacher has not been convicted of any such offence, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel further noted that the Advice indicated that an offence could be relevant if it did not involve misconduct in the course of teaching and that it would need to consider the nature and gravity of the conduct and any mitigating circumstances in committing the offence.

In relation to allegation 3, the Panel was of the view that Mr Wilson had acted in a violent, threatening and intimidating manner in front of not just Person A but also [REDACTED]. The panel therefore considered that Mr Wilson's actions could be seen as harassment of Person A in the circumstances and that violence and harassment were therefore relevant behaviours in the context of this incident which had led to Mr Wilson's arrest.

Regarding allegation 4, the panel noted that Mr Wilson's conduct had actually resulted in damage to Person A's property and considered that this act had also involved violent behaviour. The panel also considered the evidence which showed that Mr Wilson had been present at the property for 2 hours and considered this to be harassment of Person A.

The panel noted that Mr Wilson was arrested on both occasions and that Person A had been left feeling intimidated and frightened as a result of both incidents. The panel were also of the view that allegation 3 was likely to have had an impact on [REDACTED] who had witnessed the incident.

The Panel noted that the School's Code of Conduct policy also made clear reference to the need to set an example and to act as a role model at all times. The Code of Conduct also emphasised the need to safeguard all children and ensure that their wellbeing was maintained.

The Panel considered that Mr Wilson's actions in relation to both allegations 3 and 4 were therefore of an extremely serious nature which fell far short of what was expected of a teacher in the circumstances and that this therefore amounted to unacceptable professional conduct.

Regarding allegations 5 and 6 the panel noted that Mr Wilson was clearly aware that he ought to have disclosed his arrests. Dishonesty by a teacher was considered by the panel to be extremely serious, particularly as the dishonesty had occurred on two occasions and Mr Wilson had repeated his conduct in not disclosing the second arrest on 4 October 2021. The panel also noted that the School's Code of Conduct from 2018 made clear reference to the need to disclose any conduct which may have breached the expected standards and the need to act with honesty and integrity at all times which specifically included a requirement not to conceal matters which a teacher could reasonably have been expected to disclose.

Accordingly, the panel was satisfied that Mr Wilson was guilty of unacceptable professional conduct. His conduct amounted to misconduct of a serious nature, which fell significantly short of the standards expected of the profession, which he accepted.

In relation to whether Mr Wilson'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 and considered the influence that teachers may have on pupils, parents and others in the community.

The panel also took into account 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 extremely serious, and the conduct displayed would be very likely to have a negative impact on Mr Wilson's status as a teacher, potentially damaging the public perception.

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

In summary, having found the facts of particulars 1 to 6 proved, the panel further found that Mr Wilson's conduct in relation to allegations 3,4 5 and 6 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 protection of pupils and other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Wilson, the panel only considered the matters in relation to allegations 3,4,5 and 6. The panel noted that this included conduct related to threats and violence and harassment, a lack of integrity and dishonesty. The panel considered that there was a strong public interest consideration in respect of the protection of pupils and other members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct, such as that found against Mr Wilson, were not treated with the utmost seriousness when regulating the conduct of the profession. The public, rightly, expect teachers to behave appropriately and professionally and to act with honesty and integrity at all times. These are fundamental tenets of the profession. In that context, the panel considered Mr Wilson's actions damaged public confidence in him, as a professional, and the profession as a whole.

The panel also 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 Wilson was outside that which could reasonably be tolerated.

The panel also considered whether there was a strong public interest in retaining Mr Wilson in the profession. The panel noted that Mr Wilson had a previously unblemished record however it also noted that Mr Wilson had a new career and that he did not wish to return to the profession. The panel did not consider that there were any exceptional reasons which suggested that Mr Wilson should be retained as a teacher.

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 Wilson.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Wilson.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved.

In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;

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

The panel considered the following mitigating factors were present in this case:

- Mr Wilson was an experienced teacher and was understood to have an otherwise good record. There was no evidence that he had been subject to any previous

regulatory or disciplinary proceedings. There was no evidence of any prior complaints in relation to his conduct.

- Mr Wilson had engaged with the TRA and, ultimately, made full admissions.
- There was evidence that Mr Wilson was going through a particularly testing and very difficult period in his life at the time of these events which had resulted in hospitalisation. This was confirmed by the evidence presented by the TRA and the testimonials that were presented to the panel on Mr Wilson's behalf.

Weighed against this, the aggravating features in this case were that:

- Mr Wilson's actions amounted to a clear breach of the Teachers' Standards as they involved two incidents of violence and harassment in a public setting and on one occasion in front of children.
- The panel considered that whilst Mr Wilson had expressed remorse for his conduct much of his reflection on the events had focused on his perspective and the impact that events had had on him. The panel did not consider that Mr Wilson had recognised the severity and impact of this conduct on the parties involved such as Person A and [REDACTED] nor did it consider the consequences on the profession as whole. The panel therefore considered that Mr Wilson lacked insight into the impact of his behaviour and that he failed to recognise its severity.
- Mr Wilson had an obligation to act as a role model to pupils and colleagues and he failed in his duties in that regard.
- Mr Wilson had behaved dishonestly and without integrity on two separate occasions and despite support being offered by the School did not take up the opportunity to disclose his arrest at any stage.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order.

Recommending that the publication of adverse findings was sufficient, in this case, would unacceptably compromise the public interest considerations present, despite the severity of the consequences for Mr Wilson of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate.

The panel decided that the public interest considerations present, as identified above, were particularly strong and outweighed the interests of Mr Wilson.

The seriousness and nature of the conduct found proven was a significant factor in forming that opinion. The panel's findings were such that Mr Wilson had also repeated his conduct both in respect of the allegations of violence and the dishonesty. In the panel's view, in these circumstances the nature and severity of the behaviour was at the serious end of the possible spectrum.

The panel considered that Mr Wilson lacked insight into his conduct as set out above and that whilst Mr Wilson appeared to be in a more stable place at the moment, it had not been provided with sufficient evidence to show that Mr Wilson would not repeat his conduct given the repeated nature of the allegations should the situation alter for him.

In those circumstances, the panel was therefore not satisfied that there was no risk of repetition.

Accordingly, for all these reasons, 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 mitigate against the recommendation of a review period. These behaviours include serious dishonesty or a lack of integrity which included deliberate concealment of actions as well as the allegations of violence.

However, the panel also noted that Mr Wilson had admitted his actions and taken steps to address his behaviour and [REDACTED]. It further noted that whilst Mr Wilson's conduct was serious it was not so serious so as not to ever be remediable. The panel therefore considered that it would be proportionate in all the circumstances, for the prohibition order to be recommended with a provision for a review period. The panel considered that a review after a period of 4 years would be appropriate in the circumstances as this would enable Mr Wilson to fully develop his insight and provide evidence to show that he had overcome some of the issues that had led to his conduct and that there had been no further repetition.

In summary, having carefully considered all of the circumstances of this case, the panel decided that a prohibition with a review after a period of 4 years was proportionate.

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

The panel has made a recommendation to the Secretary of State that Mr Barry Wilson should be the subject of a prohibition order, with a review period of four years.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour within and outside school by:
 - Showing tolerance of and respect for the rights of others
 - Not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs. The panel considered this standard to be relevant only in so far as it related to not undermining the rule of law in this case.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are serious as they include violent and aggressive behaviour as well as behaviour that lacked honesty and integrity.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Wilson, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel does not comment directly on whether Mr Wilson could be said to present a risk to children and pupils in the future, and I have noted that the misconduct found took place outside of an education setting. However, I am mindful that that misconduct involved violent and threatening behaviour, some of which occurred in the presence of children. 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 it sets out as follows:

"The panel considered that whilst Mr Wilson had expressed remorse for his conduct much of his reflection on the events had focused on his perspective and the impact that events had had on him. The panel did not consider that Mr Wilson had recognised the severity and impact of this conduct on the parties involved such as Person A and [REDACTED] nor did it consider the consequences on the profession as whole. The panel therefore considered that Mr Wilson lacked insight into the impact of his behaviour and that he failed to recognise its severity."

In my judgement, the lack of full insight 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 observes: "The findings of misconduct were extremely serious, and the conduct displayed would be very likely to have a negative impact on Mr Wilson's status as a teacher, potentially damaging the public perception." I am particularly mindful of the finding of violent behaviour 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, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Wilson himself. The panel records that it "...considered whether there was a strong public interest in retaining Mr Wilson in the profession. The panel noted that Mr Wilson had a previously unblemished record however it also noted that Mr Wilson had a new career and that he did not wish to return to the profession. The panel did not consider that there were any exceptional reasons which suggested that Mr Wilson should be retained as a teacher." The panel also makes reference to evidence of mitigating factors which contributed to Mr Wilson's behaviour.

A prohibition order would prevent Mr Wilson from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the lack of full insight or remorse as well as the seriousness of the misconduct found.

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a four-year review period.

I have considered the panel's comments underpinning their recommendation:

"However, the panel also noted that Mr Wilson had admitted his actions and taken steps to address his behaviour and [REDACTED]. It further noted that whilst Mr Wilson's conduct was serious it was not so serious so as not to ever be remediable. The panel therefore considered that it would be proportionate in all the circumstances, for the prohibition order to be recommended with a provision for a review period. The panel considered that a review after a period of 4 years would be appropriate in the circumstances as this would enable Mr Wilson to fully develop his insight and provide

evidence to show that he had overcome some of the issues that had led to his conduct and that there had been no further repetition.”

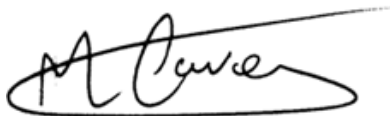
I have considered whether a four-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that, in my judgment, such a period is appropriate and proportionate. These elements are the seriousness of the panel’s findings and the lack of evidence of full insight or remorse.

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

This means that Mr Barry Wilson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 05 July 2028, four years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Wilson remains prohibited from teaching indefinitely.

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

Mr Wilson has a right of appeal to the King’s Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a large, loopy oval shape.

Decision maker: Marc Cavey

Date: 1 July 2024

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