



Teaching
Regulation
Agency

Mr Matthew Clare: 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 Matthew Clare

Teacher ref number: 1138004

Teacher date of birth: 19 July 1988

TRA reference: 20280

Date of determination: 3 June 2024

Former employer: [REDACTED]

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 28 May 2024 to 3 June 2024 by way of a virtual hearing, to consider the case of Mr Matthew Clare.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Paul Hawkins (lay panellist) and Ms Debra Vaughan (lay panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Ben Bentley of Browne Jacobson LLP solicitors.

Mr Clare was present and was represented by Ms Megan Fletcher-Smith of Cornwall Street Chambers.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 18 March 2024.

It was alleged that Mr Clare was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that between July 2019 and February 2020:

1. He was a member of a WhatsApp group chat alongside 3 of his colleagues in which he

- a) Received and/or sent inappropriate messages which discussed his female colleagues in a way which was
 - i) Sexually objectifying
 - ii) Homophobic
 - iii) Misogynistic
 - iv) Denigrating
- b) Received and/or sent inappropriate messages, the contents of which were racist
- c) Engaged in inappropriate discussion about Individual A, a parent of a child at the School, in which he received messages to the effect of:
 - i) 'I feel so sorry for her husband. Having to put his meat in that cunt. I'd argue it's worse than prison.'
 - ii) 'She is now top of the cunt list'
- d) Engaged in inappropriate discussion about students at the School in which he received messages to the effect of 'does she expect me to stand next to her deformed kid 24-7'

2. Your conduct as may be found proven at allegation 1(a)(i) was of a sexual nature.

The panel noted that Mr Clare partially admitted the particulars of allegations 1(a) and 1(b) and denied allegations 1(c)(i), 1(c)(ii), 1(d) and 2, as set out in the statement of agreed and disputed facts, signed by Mr Clare's representative on the 16 February 2023. Mr Clare neither admitted nor denied that his behaviour amounted to unacceptable conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application for part of the hearing to be heard in private

The panel considered an application from Mr Clare made on his behalf by his representative, Ms Megan Fletcher-Smith, that parts of the hearing [REDACTED] should be heard in private.

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

The panel granted the application. The panel considered it was not contrary to the public interest for the parts of the hearing, which were the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of [REDACTED] and there was no contrary public interest in those areas being discussed in private. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

Summary of evidence

Documents

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

- Section 1: Chronology and anonymised pupil list – pages 7 to 18
- Section 2: Statement of agreed and disputed facts – pages 23 to 28
- Section 3: TRA witness statements – pages 30 to 438
- Section 4: TRA documents – pages 440 to 510
- Section 5: Teacher documents – pages 512 to 843.

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

Witnesses

The panel did not hear any oral evidence from anyone on behalf of the TRA.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 24 March 2021, the Metropolitan police released a series of extraction reports to the Local Authority Designated Officer (LADO) highlighting some WhatsApp group messages that had been extracted from a phone belonging to Mr Clare's colleague.

Mr Clare had allegedly participated in a WhatsApp group with his colleagues between July 2019 and February 2020 in which he exchanged messages that were alleged to be inappropriate.

On 1 April 2021 Mr Clare was suspended from [REDACTED] ('the School').

On 26 April 2021 a disciplinary investigation meeting was held with Mr Clare.

On 21 May 2021 Mr Clare resigned from the School.

On 16 September 2021 the matter was referred to the TRA.

Findings of fact

The findings of fact are as follows:

- 1. You were a member of a WhatsApp group chat alongside 3 of your colleagues in which you**
 - a) Received and/or sent inappropriate messages which discussed your female colleagues in a way which was**
 - i) Sexually objectifying**

The panel noted that Mr Clare admitted this allegation. However, the panel considered the documentary evidence and messages in the bundle when considering this allegation and made its own determination.

The panel considered the copies of the messages within the WhatsApp group chat to which Mr Clare was a party, and noted, in particular, the following messages in the bundle:

- Page 114 – Mr Clare mentioning “*The nip clockers*” resulting in the WhatsApp Group name later being changed to this.
- Page 119 – Mr Clare commenting “*Yer couldn’t stop clocking*” in response to a question regarding “*nips.*”
- Page 120 - Mr Clare sending a message in the WhatsApp Group discussing one of his female colleagues and saying “*Tits looked cracking tho.*”
- Page 120 – Mr Clare receiving a response commenting that “*That rack alone makes her top 2 material.*”

- Page 124 to 125 – A discussion around “*Do you reckon all the women from work have a gc talking about our massive shlongs???*” to which Mr Clare responded “*Haha hopefully!!!*” and “*Is that sexual assault?*”
- Page 128 - Mr Clare sending messages regarding a colleague, saying “*Clocked the Ns massively as coming in from lunch. This cold weather*”.
- Page 129 – Mr Clare receiving a response commenting on another female colleague that “*...she'd top [REDACTED] on the dirty scale*” and “*she'd be a dirty fuck.*”
- Page 207 to 247 - A continuous discussion between 19:09 and 19:41 on 1 November 2019 (150 messages), which started with a message received by Mr Clare about a female colleague which stated “[REDACTED] *is pure filth though*” and then proceeded to talk about a female colleague being “*fuck buddy material*” and “*the dirtiest shag.*” The panel noted that within this discussion Mr Clare would respond with either “*haha,*” “*lol*” or “*Def.*” The panel noted that Mr Clare commented that there were “*...lots of attractive ones at work.*”

The panel considered the written statement of [REDACTED] who stated that, during Mr Clare’s investigation meeting, he agreed that it was reasonable to conclude that he was a contributor to the WhatsApp group, although he felt that he did not instigate any of the messages. They stated that Mr Clare accepted that it was reasonable to conclude that the messages sent and/or received by him involved sexual objectification.

The panel considered the oral evidence and written statement of Mr Clare, who stated that another member of the WhatsApp group had been the dominant figure in the friendship group, leading and driving the inappropriate conversations. He stated that the other members of the group did not discuss the topics with each other individually, or when that particular member was no longer in the group.

Mr Clare explained that this individual increasingly introduced conversations around their female colleagues’ physical characteristics, which became increasingly objectified. He stated that when he first did this he was surprised, but due to the way they often made fun of each other in a cheeky manner he did not think to challenge it and joined in.

Mr Clare stated that he was ashamed that he joined in and that he felt the need to contribute to the conversation and to show off in the group. He stated that he has not and would never act on the words mentioned in the comments. He further stated that the group seemed to take place in a sort of “*alternative reality*”.

The panel considered Mr Clare’s oral evidence within which he stated that some of the words used, in particular “*kinky slut*” were not words that he would use although the panel noted that there was an occasion where he had in fact used the word “*kinky*”. Mr Clare also said that he felt ashamed, disgusted, embarrassed and shocked reading the

messages back. Mr Clare acknowledged that he should have called out the behaviour, left the WhatsApp group chat and reported the messages to [REDACTED].

Mr Clare accepted that this was inappropriate behaviour and that in joining in with the chat and responding to some of the messages he could have made this behaviour worse. Although Mr Clare accepted that these messages could be seen as sexually objectifying, he said that these were made up things and that he never intended to act on anything in respect of his female colleagues.

In addition to the above, the panel noted that there were numerous messages within the bundle which were either sent or received by Mr Clare relating to female colleagues and which were inappropriate and sexually objectifying in nature.

The panel found allegation 1(a)(i) proven.

ii) Homophobic

The panel noted that Mr Clare admitted that he received inappropriate messages which discussed a female colleague in a way which was homophobic but did not admit that he sent messages of this type.

The panel considered the copies of the messages within the WhatsApp group chat, and noted the following message in particular:

- Page 366 – Mr Clare receiving a message about a female colleague stating “*Oh Yh the skin head carpet muncher*” to which Mr Clare responded with “*Lol*” and “*Ffs.*”

The panel’s attention was also drawn to a number of other messages between Mr Clare and another member of the WhatsApp group in an individual chat. The messages were of a homophobic nature but the panel noted that these messages did not take place in the WhatsApp group.

The panel considered the written statement of [REDACTED], who stated, during the School investigation, Mr Clare accepted that it was reasonable to conclude that the messages sent and/or received by him were homophobic.

The panel considered the oral evidence and written statement of Mr Clare, who stated that, although he did not send homophobic messages, he appreciates that he should have challenged the messages he received and reported them. He stated that he is not and has never been homophobic.

Mr Clare explained that he had a highly professional relationship with the female colleague in question. He stated that he was not particularly aware of her sexual orientation and that one way or another he was not particularly bothered. He stated that

looking at the summary of the messages from WhatsApp chats it gives a false impression that, when he mentioned that he met this colleague in the WhatsApp group, he was inviting inappropriate comments, when this was not the case. Mr Clare stated that he was just making a normal comment, and that he was quite proud to be mentoring a colleague as it was one of his career goals and so he wanted to share this with the group. He stated that the purpose of introducing this was definitely not to discuss her sexual orientation.

Mr Clare stated that he wished he had challenged more and acknowledged that this was not acceptable. However, Mr Clare accepted that these messages would be upsetting and that he had let everyone down.

The panel found that there were messages in the WhatsApp group chat received by Mr Clare relating to female colleagues and the content of which was inappropriate and homophobic in nature.

The panel found allegation 1(a)(ii) proven.

iii) **Misogynistic**

The panel noted that Mr Clare admitted that he received messages which discussed his female colleagues in a way which was misogynistic but did not admit that he sent messages which were misogynistic.

The panel considered the definition of “*misogyny*” on page 429 of the bundle in that this amounted to “*hatred, dislike, or mistrust of women, manifested in various forms such as physical intimidation and abuse, sexual harassment and rape, social shunning and ostracism or ingrained and institutionalised prejudice against women*”.

The panel considered the copies of the messages within the WhatsApp Group chat, and noted the following messages in particular:

- Page 53 – Mr Clare receiving a message stating “*I’d delete the cunt if I wasn’t next door to her...*”
- Page 58 – Mr Clare sending a message stating “*Hope the cunts haven’t thrown my poster away.*”
- Page 240 onwards – Mr Clare sending and receiving messages regarding his female colleagues and discussing what they thought were their female colleagues’ preferred sexual positions.
- Page 379 to 380 – Mr Clare receiving a message referring to a female colleague as a “*tight cunt*” to which he responded “*Yeah that’s true*” and “*She’s got a right cunt? “Tight.”*”

- Page 382 – Mr Clare sending a message saying “*Called her a pussyole didn’t ya.*”

The panel considered the written statement of [REDACTED], who stated that Mr Clare accepted that it was reasonable to conclude that the messages sent and/or received by him were misogynistic.

The panel considered the oral evidence and written statement of Mr Clare, who stated that he has questioned whether his messages expressed hatred towards women and denied that they did, although he did accept that they were sexually objectifying and extremely inappropriate.

Mr Clare accepted that the messages he received were misogynistic and that he should have challenged them. Mr Clare stated that he questioned his colleague stating “*why do you hate her*” as he had no ill feelings towards this member of staff and wanted to find out why his colleague was sending hateful messages about this member of staff.

In addition to the above, the panel noted that there were numerous messages within the bundle which were either sent or received by Mr Clare relating to female colleagues and describing them as “*cunts*” or being on the “*cunt list.*” Further, the panel noted that there was a discussion in the WhatsApp group within which Mr Clare sent a message referring to his female colleagues collectively and stating that an appropriate team name for them would be “*brothel.*” The panel found that, the content of the messages was inappropriate, misogynistic and offensive, in particular to those females being referred to.

Although Mr Clare accepted that the messages were offensive and inappropriate he denied that he was misogynistic towards women in general. However, the panel considered that there were various messages exchanged regarding female colleagues which were inappropriate, misogynistic and offensive in nature.

The panel found allegation 1(a)(iii) proven.

iv) Denigrating

The panel noted that Mr Clare admitted that he received inappropriate messages which discussed his female colleagues in a way which was denigrating but did not admit to sending messages that were denigrating.

The panel considered the definition of “*denigrating*” on page 428 of the bundle in that this amounted to “*an act or instance of speaking about someone or something in a belittling or damaging way, or an act or instance of treating something as if it had little value or importance.*”

The panel considered the copies of the messages within the WhatsApp group chat, and noted the following messages in particular:

- Page 161 – Mr Clare receiving a message regarding a female colleague and describing her as “*hitler*” and “*a mug*.”
- Page 161 to 162 – Mr Clare sending a message describing a colleague as “*bonkers*.”
- Page 171 – Mr Clare sending a message saying “*Brothel would’ve been such a good name*.”
- Page 207 onwards – Mr Clare sending and receiving messages regarding his female colleagues in terms of their views on their preferred sexual positions including, by way of example referring to “[REDACTED] *doggy haha*”.

In addition to the above, the panel noted that there were numerous messages within the bundle which were either sent or received by Mr Clare relating to female colleagues and describing them in a denigrating and offensive manner.

The panel considered the written statement of [REDACTED], who stated that Mr Clare accepted that it was reasonable to conclude that the messages sent and/or received by him were denigrating.

The panel considered the oral evidence and written statement of Mr Clare, who stated that he did not believe that the messages he sent were denigrating, although he did accept that they were sexually objectifying and extremely inappropriate. He stated that when one colleague in particular in the WhatsApp group was making certain comments, he did not feel comfortable. He also stated that he felt that the individual was going too far, which he said can be seen from his lack of responses.

The panel considered Mr Clare’s oral evidence within which he stated that his responses of “*haha*,” “*FFS*” and “*wow*” had been a “*weak way of challenging*” the comments made. However, the panel did not accept this explanation.

Mr Clare also acknowledged that many of these comments were insulting and completely unacceptable but that there was no truth to them, and he would never have acted on anything.

The panel considered Mr Clare’s oral evidence within which he stated that the messages were not denigrating but that he should have challenged more strongly and reported the content and/or left the WhatsApp group.

The panel found that there were numerous examples of Mr Clare having sent and received messages regarding his female colleagues which were denigrating in nature.

The panel found allegation 1(a)(iv) proven.

b) Received and/or sent inappropriate messages, the contents of which were racist

The panel noted that Mr Clare admitted that he received inappropriate messages with racist content but did not admit to sending messages of this type.

The panel considered the copies of the messages within the WhatsApp group chat, and noted the following messages in particular:

- Pages 344 to 346– Mr Clare receiving racist “jokes” relating to a “*black guy*.”

In addition to the above, the panel noted that there were numerous messages within the bundle which were received by Mr Clare relating to racist content such as “*Innocent [REDACTED] waiting for [REDACTED] to open his assorted biscuits and spiced latte...giant black chocolate cock*” and “*You could differentiate the cocks too. Big black one for [REDACTED]...*”

The panel considered the oral evidence and written statement of Mr Clare, who stated that he accepted that the messages he received were clearly racist but that he did not accept that his responses were. He stated that he tried to challenge or question the “jokes” but appreciated that he should have been stronger in his disapproval.

The panel considered Mr Clare’s oral evidence within which he stated that he was not racist and did not consider racist “jokes” to be funny. Mr Clare stated in his oral evidence that his responses were intended to be “*weak challenges*” to the comments made but accepted he should have challenged them more strongly rather than simply referring to them as “*lairy*”.

Although the panel noted that Mr Clare had responded with “*Hahah*” to some of these messages, he had not sent any messages himself with racist content. Nevertheless, the panel considered that the allegation was sent and/or received messages with racist content and the panel was satisfied that Mr Clare had received messages with racist content.

The panel found allegation 1(b) proven.

c) Engaged in inappropriate discussion about Individual A, a parent of a child at the School, in which you received messages to the effect of:

- i) **‘I feel so sorry for her husband. Having to put his meat in that cunt. I’d argue it’s worse than prison.’**

The panel noted that Mr Clare did not admit this allegation. He admitted receiving a message which stated *‘I feel so sorry for her husband. Having to put his meat in that*

cunt. I'd argue its worse than prison.' However, he did not accept that he engaged in inappropriate discussion in relation to Individual A.

The panel considered the copies of the messages within the WhatsApp group chat, and noted the following message in particular from 4 December 2019:

- Pages 319 to 336 – Mr Clare receiving a message stating *"I feel so sorry for her husband. Having to put his meat in that cunt. I'd argue it's worse than prison"*.

The panel considered the oral evidence and written statement of Mr Clare, who stated that he did not join in with this part of the conversation as he thought that it had gone too far. He stated that he felt shocked to receive these messages and awkward that a colleague was speaking this way and going so far beyond the line.

The panel considered Mr Clare's oral evidence within which he stated that he could have responded more strongly than simply saying "FFS" and that he felt uncomfortable. Mr Clare accepted that he could have done more to challenge this behaviour but that he did not consider his responses to be inappropriate.

The panel noted that the message exchange regarding Individual A continued and there were references from one of the individuals in the WhatsApp group to "KO'ing" Individual A and Mr Clare responding about her head cracking *"like an egg"* and that he would *"love to see it in ks2 playground"*. Mr Clare's oral evidence was that this was wrestling terminology and that he did not ever intend to act on any of this. Mr Clare had also said that this was a fictional situation which did not really happen, nor did he intend for it to happen. However, the panel did not accept Mr Clare's explanation.

The panel concluded that Mr Clare had effectively encouraged and therefore engaged in the inappropriate discussion about Individual A.

The panel found allegation 1(c)(i) proven.

ii) 'She is now top of the cunt list'

The panel noted that Mr Clare did not admit this allegation. He admitted that he received an inappropriate message which stated *"she is now top of the cunt list"*, but he did not accept that he engaged in an inappropriate discussion in relation to Individual A.

The panel considered the copies of the messages within the WhatsApp group chat, and noted the following message in particular from 4 December 2019, in which one of the individuals in the WhatsApp group stated that Individual A *"is now top of the cunt list"*. The panel noted that Mr Clare had responded to this comment with *"haha ffs!!"* and then later comments with *"wow."* Mr Clare subsequently responded *"Yer"* to a further comment about Individual A being described as a *"cunt"*.

The panel considered the oral evidence and written statement of Mr Clare, who stated that he responded to this comment with “*haha ffs!!*”, meaning ‘really? Calm down’. However, the panel did not accept this explanation. Mr Clare accepted that he should have challenged this comment more strongly but did not do so.

Mr Clare stated that he did not send messages which were inappropriate in response. The panel found that there was evidence of Mr Clare engaging in the inappropriate discussion about Individual A and that he received a message about Individual A stating ‘*She is now top of the cunt list*’

The panel found allegation 1(c)(ii) proven.

d) Engaged in inappropriate discussion about students at the School in which you received messages to the effect of ‘does she expect me to stand next to her deformed kid 24-7’

The panel noted that Mr Clare did not admit this allegation. He admitted that he received an inappropriate message which stated “*does she expect me to stand next to her deformed kid 24/7*” in relation to a student at the school, however, he did not accept that he engaged in the inappropriate discussion in relation to this individual.

The panel considered the copies of the messages within the WhatsApp Group chat, and noted the following messages received by Mr Clare on 4 December 2019 which stated “*Does she expect me to stand next to her deformed kid 24-7*” and “*I feel sorry for redacted but when your mums a cunt there’s no helping*”.

The panel noted Mr Clare’s response which was “*Wow*”.

The panel considered the oral evidence and written statement of Mr Clare, who stated that he appreciated that his response may not have looked firm enough when another member of the group made the inappropriate comment about one of the children. He stated that he said “*wow*”, meaning ‘calm down, that’s not acceptable’.

Mr Clare explained that he felt horrified and awkward that one of his colleagues in the WhatsApp group was using this language to describe a child and he wasn’t sure how to respond. He submitted that his comment was his attempt to challenge the fact that his colleague had taken the comment too far and to show his shock and discomfort at it. Mr Clare explained that he found this difficult to do due to his dislike of confrontation.

Mr Clare stated that he had a very good relationship with the child, having taught [REDACTED] the previous year. He stated that he commented “*nice kid, but mum so annoying*” which he should not have said in hindsight. Mr Clare submitted that he did not dislike the parent referred to and got on with her very well.

The panel considered Mr Clare's oral evidence within which he stated that he felt sad for the child concerned and that he had responded to the inappropriate messages with "wow" but that he did not believe he had responded inappropriately. Mr Clare accepted that he should have challenged these messages more strongly.

The panel considered that Mr Clare had not sent inappropriate messages about students at the School and that Mr Clare's responses to the messages sent by others regarding this did not amount to Mr Clare engaging in this inappropriate discussion about students of the School.

The panel found allegation 1(d) not proven.

2. Your conduct as may be found proven at allegation 1(a)(i) was of a sexual nature.

The panel noted that Mr Clare denied this allegation.

The panel considered the oral evidence and written statement of Mr Clare, who stated that he appreciated that he sexually objectified female members of staff but stated that his conduct was never sexual and never would be. He stated that there was no sexual element to his behaviour. Mr Clare stated that, whilst the comments he made gave the impression that he was regularly looking at the breasts of multiple female colleagues, this was in fact fictional, and he was not actually doing this.

The panel was referred by the presenting officer to the definition of 'sexual' as provided in Section 78 of the Sexual Offences Act 2003 ('the Act'), which states as follows:

"For the purposes of this Part (except section 71), penetration, touching or any other activity is sexual if a reasonable person would consider that (a) whatever its circumstances or any person's purpose in relation to it, it is because of its nature sexual, or (b) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual."

The presenting officer further submitted that, notwithstanding s78 of the Act, the panel was able to make a determination as to whether Mr Clare's conduct at allegation 1(a)(i) was conduct of a sexual nature by drawing on its own knowledge and experience.

The panel did not make a specific determination in respect of the applicability of the definition of what is "sexual" under the Act. Instead, the panel drew on its own knowledge and experience and reached its decision based on the interpretation of what conduct may be of a sexual nature by any reasonable person.

The panel noted that the messages used inherently sexual language and referred explicitly to sexual acts. The panel concluded that Mr Clare's conduct at allegation 1(a)(i) was of a sexual nature; the messages Mr Clare sent and received were, by their very

nature, explicitly sexual and contained graphic sexual comments about Mr Clare's female colleagues. In the panel's view, the messages spoke for themselves and, based on its own knowledge and experience, the panel was satisfied that they were sexual in nature. The panel considered that the messages Mr Clare sent and received, including the comments referred to above would, in the view of any reasonable person, be deemed sexual in nature given their content.

Therefore, the panel found allegation 2 proven.

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

Having found a number of the allegations (allegations 1(a) to (c) and 2) 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 Clare, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Clare 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
- 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 Clare amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Clare's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that "*intolerance and/or hatred on the grounds of race, religion, sexual orientation or any of the other protected characteristics*" was relevant. The Advice indicates that where behaviours associated with any of the offence types listed on pages 12 and 13 exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

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

The panel noted that although the conduct took place outside the education setting, it was relevant to Mr Clare's position as a teacher. Mr Clare was in a WhatsApp group with male colleagues at the School within which he received and sent inappropriate messages about a significant number of female colleagues, a student and a parent of the School.

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

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

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

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

Having found the facts of allegations 1(a) to 1(c) and 2 proved, the panel further found that Mr Clare's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found the following to be relevant in this case, namely: the protection of other members of the public; 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, if they are in conflict.

In light of the panel's findings against Mr Clare, which involved receiving and/or sending inappropriate messages which discussed his female colleagues in a way which was sexually objectifying, homophobic, misogynistic and denigrating; receiving and/or sending messages in which the contents were racist; engaging in an inappropriate discussion regarding individual A (a parent); and conduct of a sexual nature, there was a strong public interest consideration in the maintenance of public confidence in the profession.

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

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

The panel considered whether there was a public interest consideration in retaining Mr Clare in the profession, given the fact that no doubt had been cast upon his abilities as an educator.

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 Clare. The panel was mindful of the need to strike the right balance between the rights of Mr Clare and the public interest.

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

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

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

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

The panel was provided with evidence to attest to Mr Clare's experience and ability as a teacher.

Mr Clare provided a number of written character references. The panel noted the following character references in particular:

- [REDACTED] Individual B, [REDACTED] of Mr Clare
 - *"I have witnessed him as an extremely professional teacher and an excellent role model to both the children and his peers inside and outside of the classroom."*
 - *"I have always found Matthew to show respect to all colleagues, regardless of gender, race and sexuality."*
- [REDACTED] Individual C, [REDACTED] at a supply teaching agency
 - *Matthew is an experienced, excellent practitioner who can be relied upon to deliver high-quality teaching."*
- [REDACTED] Individual D, [REDACTED] of Mr Clare's
 - *"I found him to be a professional, dedicated and supportive member of staff and a guide to [REDACTED], who was a passionate driver that girls sport was just as important as boys sport proving himself to be an advocate of women's/girls rights."*

The panel noted the written submissions of Mr Clare. Mr Clare profusely apologised for his actions and stated that he regretted engaging with and not reporting these conversations. He stated that he has had some support including [REDACTED] and had read some books on understanding his behaviour.

Mr Clare described that during the period of the WhatsApp messages, there were several serious personal matters occurring in his life at the time, and that these impacted his conduct within the WhatsApp messages.

Mr Clare stated that in late 2017, [REDACTED].

Mr Clare stated that during this period he was [REDACTED] and stated that the other members of the WhatsApp group did not know what was going on in his life. He stated that at the time he did not seek help as he was not aware of how [REDACTED], but he now can see that it is crucial to seek better outlets for situations of [REDACTED]. Mr Clare submitted that he has [REDACTED].

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Clare 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 Clare. Mr Clare's lack of fully developed insight regarding his conduct was a significant factor in forming that opinion, in particular Mr Clare's maintenance that the conversations took part in a 'different reality' and that he would never have said these things directly to his female colleagues. The panel was of the view that there was little evidence that Mr Clare recognised that these were, in reality, damaging conversations. Whilst the panel recognised that Mr Clare had undertaken some professional and personal development activities, there was limited evidence as to how he would apply this learning in the future. 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 for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found none of these behaviours to be relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours includes intolerance and/or hatred on the grounds of race, religion, sexual orientation or protected characteristics. The panel found that Mr Clare was responsible for receiving and/or sending inappropriate messages which discussed his female colleagues in a way which was sexually objectifying, homophobic, misogynistic and denigrating; receiving

messages in which the contents were racist; engaging in an inappropriate discussion regarding individual A; and conduct of a sexual nature. Although the panel noted the relevance of Mr Clare's conduct in this regard, the panel was of the view that, in this situation, a shorter review period of 2 years would be a reasonable period for Mr Clare to be able to demonstrate compliance with the Teachers' Standards, develop further insight and develop his ability to recognise and effectively challenge any inappropriate behaviour in the future.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of 2 years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found 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 one of the allegations (allegation 1.d) not proven. I have therefore put this matter entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Matthew Clare should be the subject of a prohibition order, with a review period of 2 years.

In particular, the panel has found that Mr Clare 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
- 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 Clare fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include: receiving and/or sending inappropriate messages which discussed his female colleagues in a way which was sexually objectifying, homophobic, misogynistic and denigrating; receiving and/or sending messages in which the contents were racist; and engaging in an inappropriate discussion regarding the parent of pupil. The panel also found that Mr Clare's conduct at allegation 1(a)(i) was conduct of a sexual nature.

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 Clare, 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 although the conduct took place outside the education setting, it was relevant to Mr Clare's position as a teacher. Mr Clare was in a WhatsApp group with male colleagues at the School within which he received and sent inappropriate messages about a significant number of female colleagues, a student and a parent of the School."

I have also taken into account the panel's comments on remorse and insight. The panel has noted that "Mr Clare profusely apologised for his actions and stated that he regretted engaging with and not reporting these conversations. He stated that he has had some support including [REDACTED] and had read some books on understanding his behaviour." However, the panel has also found that Mr Clare had not fully developed insight into his conduct. The panel has commented: "there was little evidence that Mr Clare recognised that these were, in reality, damaging conversations. Whilst the panel recognised that Mr Clare had undertaken some professional and personal development activities, there was limited evidence as to how he would apply this learning in the future." In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour. 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 conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception." I am particularly mindful of the finding of sending and

receiving inappropriate and offensive messages about colleagues and others 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 Clare. The panel has noted that no doubt had been cast on Mr Clare’s ability as an educator, and that it was provided with evidence that attested to Mr Clare’s experience and ability as a teacher including a number of written character references. The panel has also noted Mr Clare’s submission that “there were several serious personal matters occurring in his life at the time, and that these impacted his conduct within the WhatsApp messages.”

A prohibition order would prevent Mr Clare 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. The panel has said that Mr Clare’s lack of fully developed insight regarding his conduct was a significant factor in the panel recommending that a prohibition order was both proportionate and appropriate.

I have given less weight in my consideration of sanction, therefore, to the contribution that Mr Clare 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, 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 2-year review period.

I have considered the panel’s comments: “The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer

review period. One of these behaviours includes intolerance and/or hatred on the grounds of race, religion, sexual orientation or protected characteristics. The panel found that Mr Clare was responsible for receiving and/or sending inappropriate messages which discussed his female colleagues in a way which was sexually objectifying, homophobic, misogynistic and denigrating; receiving messages in which the contents were racist; engaging in an inappropriate discussion regarding individual A; and conduct of a sexual nature. Although the panel noted the relevance of Mr Clare's conduct in this regard, the panel was of the view that, in this situation, a shorter review period of 2 years would be a reasonable period for Mr Clare to be able to demonstrate compliance with the Teachers' Standards, develop further insight and develop his ability to recognise and effectively challenge any inappropriate behaviour in the future."

I have agreed with the panel that a 2-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aims of maintaining public confidence in the profession and allowing Mr Clare to develop full insight into his conduct.

This means that Mr Matthew Clare 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 9 June 2026, 2 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 Matthew Clare remains prohibited from teaching indefinitely.

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

Mr Matthew Clare 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', written in a cursive style.

Decision maker: David Oatley

Date: 7 June 2024

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