



Teaching
Regulation
Agency

Mr Martin Gibson: Professional conduct panel hearing outcome

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

September 2024

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

Teacher: Mr Martin Gibson
Teacher ref number: 0162227
Teacher date of birth: 26 August 1980
TRA reference: 0021305
Date of determination: 03 September 2024
Former employer: The Grammar School, Leeds

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 2 September 2024 virtually, to consider the case of Mr Gibson.

The panel members were Mr Martyn Stephens (lay panellist), Ms Jo Palmer-Tweed (teacher panellist), Ms Charlotte Kelly (lay panellist).

The legal adviser to the panel was Mr Harry Taylor of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Miss Leah Redden of Browne Jacobson LLP solicitors.

Mr Gibson was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 June 2024.

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

1. He failed to maintain appropriate professional boundaries and engaged in an inappropriate relationship with Pupil A, by:
 - a. Communicating with Pupil A via telephone;
 - b. Telling Pupil A he liked her or using words to that effect;
 - c. Kissing Pupil A;
 - d. Meeting Pupil A outside of school hours and/or outside school premises;
 - e. Visiting Pupil A at her house;
 - f. Touching Pupil A's breasts and/or genital area;
 - g. Allowing Pupil A to touch his genital area;
 - h. Going on holiday with Pupil A in or around 2005.
2. His conduct as may be found proven at 1) above was conduct of a sexual nature and/or was sexually motivated.
3. Despite admitting he left Bancroft's School as a way to end his relationship with Pupil A, when applying for teaching roles;
 - a. At Worksop College in 2004 he stated he wished to leave Bancroft's so he could move closer to family and further his professional development undertaking a role with greater responsibilities and;
 - b. At Grammar school at Leeds in 2010 he stated he left Bancroft's for greater management responsibilities.
4. His conduct if found proven at 3(a)-(b) lacked integrity and/or was dishonest in order to improve his prospects and/or retain a teaching post.

By a statement of agreed facts signed by Mr Gibson on 20 December 2023, he has admitted the allegations.

Preliminary applications

Proceeding in Absence

The panel has considered whether this hearing should continue in the absence of the teacher.

The panel is satisfied that TRA has complied with the service requirements of paragraph 19(1) (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures").

The panel has determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel has taken as its starting point the principle from R v Jones that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis.

In making its decision, the panel has noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC1.

The panel noted that Mr Gibson was sent the notice of hearing at least 10 weeks before the hearing. The panel also noted that Mr Gibson had applied for this hearing to take place as a meeting in private as he admitted the allegations and did not intend on attending. This application was refused by the TRA because Mr Gibson had not admitted the allegations until a late stage during the TRA's referral process. On 26 February 2024 Mr Gibson wrote to the TRA setting out a chronology of his engagement with the TRA and challenging the TRA's decision to refuse his application for a meeting rather than a hearing. The panel's observation was that there is no doubt Mr Gibson was aware of the allegations against him prior to this hearing, as well as having been provided with a copy of the bundle by the TRA.

In addition, on 19 August 2024, Mr Gibson emailed the presenting officer to confirm that he would not be in attendance at the hearing. Although Mr Gibson is not legally

represented, it was the panel's view that Mr Gibson's awareness of the hearing and his understanding of the allegations against him were undeniable.

The panel therefore considered that Mr Gibson had waived his right to be present at the hearing in the knowledge of when and where the hearing was to take place.

The panel's view was that, given the clarity with which Mr Gibson had confirmed he would not be attending, an adjournment was unlikely to result in him attending voluntarily at a later date, whether that be in the near or far future. It was also the panel's view that Mr Gibson had engaged consistently with the TRA and presenting officer and at no point had indicated that he had or intended to instruct legal representatives. In fact, to the contrary, Mr Gibson clearly wanted this process to conclude as quickly as possible.

The panel also considered the disadvantage to Mr Gibson in not being able to give his account of events, having regard to the nature of the evidence against him. This was a unique case in which the allegations against Mr Gibson only arose from his own, willing and unprompted, disclosure of events that took place approximately 20 years ago. Mr Gibson has also engaged in communication with the presenting officer's firm in the lead up to this hearing, in relation to the allegations against him. In the lead up to this hearing, Mr Gibson has clearly had and used the opportunity to put forward his position and, as such, the panel has had the benefit of representations made by Mr Gibson. The panel noted that there was only one witness relied upon by the TRA and they were to be called to give evidence. The panel was able to test that evidence in questioning that witness, considering such points as were favourable to Mr Gibson, as were reasonably available on the evidence. The panel did not identify any significant gaps in the documentary evidence provided to it but the panel agreed that if such gaps arose during the course of the hearing, the panel may take such gaps into consideration in determining whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr Gibson's account.

The panel recognised that the allegations against Mr Gibson are serious and that there was a real risk that, if proven, the panel would be required to consider whether to recommend the Mr Gibson ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged was said to have taken place during Mr Gibson's employment at three schools, namely Bancroft's School (Redbridge), Worksop College (Worksop), and

the School. The schools will have had an interest in this hearing taking place in order to move forwards.

Finally, the panel noted that there was one witness present at the hearing, who was prepared to give evidence, and that it would have been inconvenient for them to return again. Delaying the case until another time may have impacted on the memories of that witness.

The panel decided to proceed with the hearing in the absence of Mr Gibson. The panel considered that in light of Mr Gibson's waiver of his right to appear, by taking such measures referred to above to address that unfairness insofar as is possible, and taking account of the inconvenience an adjournment would cause to the witnesses, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing today.

Summary of evidence

Documents

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

Section 1: Chronology – page 6

Section 2: Notice of Referral, Response and Notice of Hearing – pages 8 to 36

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 38 to 157

Section 4: Teaching Regulation Agency Witness Statements – pages 45 to 157

Section 5: Teacher Regulation Agency Documents – pages 159 to 231

Section 6: Teacher Documents – pages 235 to 238

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

Witnesses

The panel heard oral evidence, called by the presenting officer, from Witness A [REDACTED].

Decision and reasons

The panel announced its decision and reasons as follows:

In September 2010 Mr Gibson commenced his employment at the School as Head of Classics, Form Tutor and Head of Department. In October 2022, Mr Gibson disclosed to the School that in 2003-2004, whilst a teacher at a former employing school, Bancroft's, he engaged in a sexual relationship with a pupil in his [REDACTED] class. Bancroft's is based in London and has no connection with the School. Mr Gibson also disclosed that in his applications for jobs at Worksop College, from Bancroft's School, and to the School, from Worksop College, he had failed to explain the primary reason for him leaving Bancroft's School – which he said was to distance himself from Pupil A.

Following receipt of this disclosure, the School investigated the matter in accordance with its disciplinary policy. It also notified the LADO.

Mr Gibson was dismissed by the School in November 2022.

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

Findings of fact

The findings of fact are as follows:

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

- 1. You failed to maintain appropriate professional boundaries and engaged in an inappropriate relationship with Pupil A, by:**
 - a. Communicating with Pupil A via telephone;**
 - b. Telling Pupil A you liked her or using words to that effect;**
 - c. Kissing Pupil A;**
 - d. Meeting Pupil A outside of school hours and/or outside school premises;**
 - e. Visiting Pupil A at her house;**
 - f. Touching Pupil A's breasts and/or genital area;**
 - g. Allowing Pupil A to touch your genital area;**
 - h. Going on holiday with Pupil A in or around 2005.**

The panel noted that Mr Gibson, willingly and without being prompted, disclosed information to the School in 2022 which led to these allegations being made against him. The panel noted that save for some minor inconsistencies in relation to specific dates, Mr Gibson's version of events, in relation to these allegations, has been consistent since his initial disclosure. The panel had sight of minutes of interviews at the School relating to his disclosures, including his initial meeting with Witness A. The panel regarded these to be important in its consideration because of the consistency issue described above and because it was Mr Gibson who volunteered these disclosures.

In the notes of his meeting with Witness A, Mr Gibson referenced conduct with Pupil A, who was at the time a [REDACTED] pupil, including:

- Telephone calls;
- When Pupil A told Mr Gibson she liked him, he responded with words to the effect of he 'liked her too';
- Deciding with Pupil A to meet outside of school in social settings, such as the cinema, bowling and at her house for dinner (with Pupil A's parent);
- Kissing Pupil A in and out of school premises;
- Touching each other's genital areas, and in Mr Gibson's case touching Pupil A's breasts; and
- Going on holiday with Pupil A in 2005 during which the two kissed and engaged in intimate touching.

The panel also found Mr Gibson's admissions in the statement of agreed facts to be quite compelling. The panel found little evidence to corroborate the contents of meeting minutes but, again, this was a unique case in which Mr Gibson had volunteered the relevant information in the first instance. The panel's view was that there was a consistency to Mr Gibson's account in what he said happened with Pupil A, which was supported by Witness A's evidence.

The presenting officer drew the panel's attention to comments made by Mr Gibson during the School's internal investigation. In particular, Mr Gibson had said on reflection that he felt he was '*pulled along [into relationships] without wanting to be*'. It is also notable that Mr Gibson has seemingly accepted the likely consequences of his actions since making the disclosures, which he has expressly confirmed on numerous occasions.

The panel found that Mr Gibson's relationship with Pupil A started in the context of a school environment, in which Mr Gibson was Pupil A's teacher. The panel's view is that any continuation of that relationship outside of the school environment was still borne from a teacher-pupil relationship, which is inappropriate. It also demonstrates a failure to maintain professional boundaries.

For the reasons set out above, the panel found this allegation proven.

2. Your conduct as may be found proven at 1 above was conduct of a sexual nature and/or was sexually motivated.

Having considered the evidence available, the panel considered this allegation by applying the balance of probabilities. The panel was particularly mindful of the definition of 'sexual' as set out in s.78 (1)(b) of the Sexual Offences Act 2003, in that 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.

It was the panel's view that on the balance of probabilities, reasonable persons would think the actions of Mr Gibson found proven at 1) above could be sexual. The panel also considered whether, in all the circumstances of the conduct in the case, it is more likely than not that Mr Gibson's actions were sexual. The panel found that they were.

The panel also considered whether Mr Gibson's actions were sexually motivated or whether sexual motivation could be inferred from all the circumstances of the case, in the absence of any direct evidence. Given the lack of direct evidence, the panel considered whether sexual motivation could reasonably be inferred from the surrounding evidence – being mindful that sexual motive includes the conduct being done either in pursuit of sexual gratification or in pursuit of a future sexual relationship.

The panel's opinion was that by the very nature of Mr Gibson's conduct, it was of a sexual nature. Even in respect of those incidents which did not include overtly sexual behaviour (such as kissing and/or touching each other's genital areas), Mr Gibson's conduct with Pupil A could be described as a pre-cursor to a sexual relationship.

For the reasons set out above, the panel found this allegation proven.

3. Despite admitting you left Bancroft's school as a way to end your relationship with Pupil A, when applying for teaching roles;

- a. **At Worksop College in 2004 you stated you wished to leave Bancroft's so you could move closer to family and further your professional development undertaking a role with greater responsibilities and;**
- b. **At Grammar school at Leeds in 2010 you stated you left Bancroft's for greater management responsibilities.**

The panel was provided with a copy of a letter from Mr Gibson to Worksop College dated 5 March 2004, which was to support his application for a teaching position. In the letter, Mr Gibson states that the *'main reason that [he is] looking to leave Bancroft's is so that [he] can move closer to [his] family... [he] would like to further [his] professional development by undertaking a role with greater responsibilities.'*

The panel was also provided with a copy of Mr Gibson's letter of resignation from Worksop College dated 7 April 2010, in which he states his reason for leaving as being because he felt it was time to move on to a bigger department and to teach more extensively within the junior years of the school. In his application to the School dated 2010, Mr Gibson states that his reason for leaving Bancroft's School was for *'greater management responsibilities'*. There is no mention of Pupil A or Mr Gibson's relationship with them.

There were also letters of reference for Mr Gibson in the bundle provided to the panel. All of which confirm that the respective referee has no concerns regarding safeguarding or the teaching ability of Mr Gibson.

However, balanced against this the panel also considered the letter Mr Gibson has written to the TRA in light of these proceedings. In the panel's opinion, this letter was written after a period of significant reflection by Mr Gibson on his actions and the panel was not provided with any evidence to undermine Mr Gibson's admissions. In the letter, Mr Gibson states that *'one of the key reasons for leaving Bancroft's was as a way of distancing [himself] from Pupil A. [He] did not have the courage to end the relationship and felt that this was solution.'* Mr Gibson goes on to explain that the reasons given for leaving Bancroft's School at the time were not untrue, but were perhaps not the driving motivation behind the move.

For the reasons set out above, the panel found this allegation proven.

4. Your conduct if found proven at 3(a)-(b) lacked integrity and/or was dishonest in order to improve your prospects and/or retain a teaching post.

The panel was not provided with any direct evidence to demonstrate why Mr Gibson failed to disclose his full reasons for leaving his former employers and/or applying for new teaching jobs. However, Mr Gibson has admitted that he was deliberately keeping the relationship with Pupil A secret and was *'expecting someone to come knocking'*. By deliberately concealing the relationship, it was clear to the panel that Mr Gibson knew that his actions were inappropriate at the time and that there would be consequences if he disclosed them. The panel found that this was not a case where Mr Gibson had carelessly and/or mistakenly failed to disclose his primary motive for leaving Bancroft's School. It was the panel's view that this concealment was deliberate and repeated by Mr Gibson. When the panel questioned Witness A, he confirmed that all teachers at the School are given training each year on safeguarding children. The panel further drew on its own experience to corroborate Witness A's testimony, that such training often includes ensuring teachers are aware of their duties given the positions of trust that they are in. The panel therefore found it inconceivable that Mr Gibson was not aware of his duties towards children and/or the profession before he made his disclosure in 2022.

As a result of Mr Gibson's admissions, it is now clear that the reason he left Bancroft's School was to try and sever the relationship he had formed with Pupil A because he knew his actions were not compatible with holding the position of trust, as expected in the teaching profession. It therefore also follows that Mr Gibson was aware that his prospects of obtaining another job would be significantly reduced if he disclosed his relationship with Pupil A. By the standards of ordinary decent people, the panel found that by Mr Gibson's actions lacked integrity and/or were dishonest.

For the reasons set out above, the panel found this allegation proven.

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

Having found a number 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.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

With regard to Mr Gibson’s conduct prior to the coming into force of Teachers Standards, the panel had regard to its knowledge and experience of teaching standards at that time and considered that the teacher-pupil boundary had been an important one, emphasised by guidance and law relating to abuse of trust in the education setting, and that Mr Gibson had breached this in his conduct.

The panel was satisfied that the conduct of Mr Gibson fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Gibson’s conduct displayed behaviours associated with any of the offence types in the list that begins on page 12 of the Advice. The panel found that sexual activity was relevant.

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

The panel noted that some of the conduct set out in allegation 1 took place outside the education setting. Mr Gibson’s disregard for appropriate boundaries in the teaching profession led to him engaging in a sexual relationship with Pupil A in and outside of the education environment. Mr Gibson’s actions were more than likely to affect Pupil A in a harmful way. For example, the panel noted that [REDACTED] became angry when [REDACTED] discovered the relationship between Mr Gibson and Pupil A, which inevitably would have affected Pupil A’s [REDACTED]. Mr Gibson was clearly willing to go about his behaviour in highly public environments which, in the panel’s view, most likely served to normalise the relationship in Pupil A’s mind. There is no evidence that Mr Gibson considered the impact on Pupil A of his actions at the time. Additionally, the public breaching of boundaries had the potential to undermine his credibility as a teacher and his ability to perform his teaching role.

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

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 panel also considered whether Mr Gibson's conduct displayed behaviours associated with any of the offence types in the list that begins on page 12 of the Advice. The panel found that sexual activity was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

For the reasons set out above, the panel found it particularly striking that Mr Gibson engaged in the inappropriate relationship with Pupil A in very public settings. Mr Gibson admitted that other people, both in and out of school, were aware of his actions. Although the panel has not been provided with any evidence of any complaints against Mr Gibson relating to his actions, the panel considered that the relationship between Mr Gibson and Pupil A would unquestionably amount to conduct that may bring the profession into disrepute.

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.

The panel considered that Mr Gibson's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of particulars 1 to 4 proved, the panel further found that Mr Gibson'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/or 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Gibson and whether a prohibition order is necessary and proportionate. 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 safeguarding and wellbeing of pupils, the protection of other members of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In summary, the allegations found proven against Mr Gibson involved him engaging in an inappropriate, sexual relationship with Pupil A in 2003-2005 and then demonstrating a lack of integrity and honesty by failing to disclose to prospective employers the reason he wanted to leave Bancroft's School (which was actually to try and sever the relationship with Pupil A, rather than solely to be closer to family as he had made out at the time). In the panel's view, there was a strong public interest consideration in the fact that Mr Gibson had so obviously disregarded appropriate professional boundaries as a teacher, including but not limited to seemingly seeking to develop his relationship with Pupil A in open and very public settings. Mr Gibson admits that he was aware the relationship was inappropriate at the time, and yet he took no immediate steps to prevent his actions; that is, until he decided to get a new teaching job in a different area. Even after he had obtained a new job, he did not cease contact with Pupil A, which the panel particularly noted.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of an inappropriate relationship with a child.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Gibson were 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 Gibson was outside that which could reasonably be tolerated.

The panel found that there was evidence that Mr Gibson had ability as an educator and based on Witness A's evidence, the panel also accepted that he contributed widely to the schools he was employed at. However, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Gibson in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should

be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

The panel noted that this list is not exhaustive and further factors the panel considered relevant were:

- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children;
- serious departure from the personal and professional conduct expected of a member of the teaching profession.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

The panel found, based on the evidence available, that Mr Gibson's actions were deliberate. There was no evidence to suggest that Mr Gibson was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Gibson's actions to be motivated – he has admitted that he enjoyed the pursuit of Pupil A's friendship and was willing to allow it to develop into a sexual relationship.

The panel has not been provided with any evidence to dispute Mr Gibson's previous good history. He notably contributed to his former employers, both academically and in

respect of extra-curricular activities. Other than the incidents in question, there is no evidence to call into question Mr Gibson's professional and personal conduct. In fact, the panel was provided with copies of the positive references Mr Gibson received when applying for new jobs in 2004 and 2010. The 2004 reference from [REDACTED] of Bancroft's School reads: *'In short I think [Mr Gibson] has all the makings of a fine teacher'*. The 2010 reference from [REDACTED] of Worksop College reads as equally complementary: *'[Mr Gibson] is a very competent and popular teacher... I am completely satisfied that [he] is suitable to work with children.'*

The evidence was not sufficient for the panel to form a view about whether Mr Gibson's actions were out of character. The panel did note that Mr Gibson deliberately failed to disclose his wrongdoings until c.19 years later, once he had developed a reputation as a capable educator. It was therefore subject to interpretation as to whether this better demonstrated Mr Gibson's character. Unfortunately, as Mr Gibson was not present at the hearing, the panel was unable to question Mr Gibson further on this point and, as such, has not gone further than to say that Mr Gibson's character was uncertain based on the evidence available.

The panel considered that the best evidence of mitigation available in this case is the fact that Mr Gibson volunteered the information that has now led to findings of fact against him, willingly and without being prompted. Since disclosing the information, Mr Gibson appears to have remained consistent and transparent. In this respect, the panel credits him for his admissions, which enabled the TRA to investigate and regulate properly, in accordance with its purpose.

However, the panel felt that it was important to not forget the full context within which these disclosures were made. [REDACTED]. Mr Gibson states in his letter to the TRA that he [REDACTED], but the panel was unable to elicit further information about the nature of this therapy because Mr Gibson did not attend the hearing. When considering the level of insight and/or remorse that Mr Gibson demonstrated, the panel held the view that Mr Gibson had not demonstrated a level of insight or remorse that would constitute mitigating factors of any great weight. Mr Gibson has apologised for his wrongdoings, but it was difficult for the panel to distinguish his admissions from self-serving narrative – that is, he has come clean because of [REDACTED] rather than because of his genuine regret for the impact on others. In the panel's view, there is an air of lack of thought about potential victims from Mr Gibson, which underpins all of his actions. He has admitted to feeling pulled along easily into prohibited relationships [REDACTED]. The panel formed the view that it was likely that Mr Gibson initially disclosed the information about his relationship with Pupil A because he felt [REDACTED], as a result of his self-awareness that he felt easily led. From this, the panel inferred that Mr Gibson potentially sees himself as a victim in this situation, which is far from the reality. As a teacher, he held a position of trust and engaged in a sexual relationship with Pupil A. Following this, he deliberately misled prospective employers about his reason for leaving Pupil A's school, in a clear attempt to increase and/or protect his employment prospects.

Proportionality

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 Gibson 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 Gibson. A significant factor in forming that opinion was the risk of repetition. As outlined above, Mr Gibson appears to have made the disclosures because he was concerned for his inability to prevent being involved in inappropriate relationships. He did not provide the panel with evidence to satisfy it that these concerns were now completely alleviated. The panel acknowledged Mr Gibson's confirmation that the only inappropriate relationship/conduct he has had involving a pupil of a school was in relation to Pupil A. However, the panel was concerned that there potentially remained an ongoing risk, largely because it was not convinced Mr Gibson truly recognised the potential impact of his actions. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons, and/or any sexual misconduct involving a child. The panel found that Mr Gibson was responsible for engaging in a sexual relationship with Pupil A, engaging in acts of a sexual nature on multiple occasions both in and outside of school, and then attempted to separate himself from these acts, which he knew were wrong, by changing jobs and not declaring the primary reason for seeking new employment.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases includes serious dishonesty; Mr Gibson's conduct in relation to this is set out above and the cumulative impact of his failure to be honest over a number of years, and with multiple opportunities to do so, has resulted in his lack of integrity amounting to serious dishonesty in the panel's view.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Martin Gibson should be the subject of a prohibition order, with no provision for a review period.

The panel notes that the misconduct proven occurred prior to the introduction of the Teacher Standards and makes the following comment:

“With regard to Mr Gibson's conduct prior to the coming into force of Teachers Standards, the panel had regard to its knowledge and experience of teaching standards at that time and considered that the teacher-pupil boundary had been an important one, emphasised by guidance and law relating to abuse of trust in the education setting, and that Mr Gibson had breached this in his conduct.”

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

The findings of misconduct are very serious as they include a teacher engaging in sexually motivated behaviour with a pupil, as well as behaving in a way that lacked integrity and/or was dishonest.

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 Gibson, 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 that: "Mr Gibson's disregard for appropriate boundaries in the teaching profession led to him engaging in a sexual relationship with Pupil A in and outside of the education environment. Mr Gibson's actions were more than likely to affect Pupil A in a harmful way." 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:

"When considering the level of insight and/or remorse that Mr Gibson demonstrated, the panel held the view that Mr Gibson had not demonstrated a level of insight or remorse that would constitute mitigating factors of any great weight."

The panel goes on to observe that:

"In the panel's view, there is an air of lack of thought about potential victims from Mr Gibson, which underpins all of his actions."

In my judgement, the lack of evidence that Mr Gibson has attained full insight into and remorse for his actions 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 that:

"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.

The panel considered that Mr Gibson's conduct could potentially damage the public's perception of a teacher.

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

I am particularly mindful of the finding of a teacher engaging in a sexual relationship with a pupil in this case and the very negative impact that such a finding could have 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 that may 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 Gibson himself. The panel records that:

“The panel has not been provided with any evidence to dispute Mr Gibson’s previous good history. He notably contributed to his former employers, both academically and in respect of extra-curricular activities. Other than the incidents in question, there is no evidence to call into question Mr Gibson’s professional and personal conduct.”

A prohibition order would prevent Mr Gibson 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 serious nature of the misconduct found by the panel which included engaging in acts of a sexual nature on multiple occasions both in and outside of school with a pupil. I have also lent weight to the panel’s comments suggesting that Mr Gibson has not attained full insight into his actions and their impact on others.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Gibson 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 and 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 that no provision should be made for a review period.

I have considered the panel's comments:

"The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons, and/or any sexual misconduct involving a child. The panel found that Mr Gibson was responsible for engaging in a sexual relationship with Pupil A, engaging in acts of a sexual nature on multiple occasions both in and outside of school, and then attempted to separate himself from these acts, which he knew were wrong, by changing jobs and not declaring the primary reason for seeking new employment.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases includes serious dishonesty; Mr Gibson's conduct in relation to this is set out above and the cumulative impact of his failure to be honest over a number of years, and with multiple opportunities to do so, has resulted in his lack of integrity amounting to serious dishonesty in the panel's view."

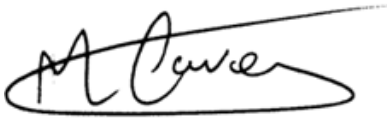
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found by the panel, including pursuing a sexual relationship with a pupil, and the lack of evidence of full insight and remorse.

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

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

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

Mr Gibson 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 hand-drawn oval border.

Decision maker: Marc Cavey

Date: 9 September 2024

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