



Teaching  
Regulation  
Agency

# **Mr Dale Chad Wills: Professional conduct panel hearing outcome**

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

**May 2024**

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

**Teacher:** Mr Dale Wills

**Teacher ref number:** 3861670

**Teacher date of birth:** 27 November 1981

**TRA reference:** 20409

**Date of determination:** 22 August 2024

**Former employer:** Marlborough College, Marlborough

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 10 and 17 May 2024, and between 20 and 22 August 2024, by virtual means, to consider the case of Mr Dale Wills.

The panel members were Ms Mona Sood (Lay panellist – in the chair), Mrs Shabana Robertson (Lay panellist) and Mrs Julie Wells (Teacher panellist).

The legal adviser to the panel was Miss Shanie Probert of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Sarah Vince of Browne Jacobson LLP solicitors.

Mr Wills was present and was represented by Mr Robert Tizzard.

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 29 February 2024.

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

Whilst employed as a Teacher of Academic Music at the Marlborough College between September 2019 and August 2021;

1. He engaged in inappropriate behaviour by;
  - a. vaping in the vicinity of pupils and/or on the school's premises;
  - b. allowing one or more individuals to vape in the vicinity of pupils on the school's premises;
  - c. facilitating and/or permitting one or more pupils to vape;
  - d. consuming alcohol outside of the school's premises with one or more pupils;
  - e. informing a member of staff Pupil B was involved in an event to permit him to miss athletics when in fact this was not the case on or around April 2021;
2. His conduct as may be found proven at allegation 1e lacked integrity and/or was dishonest;
3. He failed to maintain professional boundaries with Pupil B, by;
  - a. sending one or more Microsoft Teams messages to Pupil B making inappropriate comments, including;
    - i. 'fuck' and/or 'fucking' on one or more occasions;
    - ii. 'shit' and/or 'crap' on one or more occasions;
    - iii. "love you" on one or more occasions;
    - iv. ending one or more messages with 'X' to indicate a kiss/kisses;
    - v. referring to Pupil B as his "boi" and/or his on one or more occasions;
    - vi. "if you get sent home, I'm adopting you" on or around 30 October 2020;
    - vii. "hope you're massively hungovah" on or around 1 January 2021;
    - viii. "do I need to phone childline" on or around 16 January 2021;
    - ix. "pack your bags... you're coming to live here" on or around 16 January 2021;
    - x. "cus you know I will fight anyone" on or around 27 February 2021;

- xi. "listen...are you getting any shit from your [REDACTED]?" on or around 27 February 2021;
  - xii. "nobody gets to fuck with my family" on or around 7 April 2021;
  - xiii. "you are my favourite person" on or around 21 April 2021;
  - xiv. "that is seriously secksy btw" on or around 9 May 2021;
  - xv. "bollocks" on or around 19 May 2021;
  - xvi. "that is secksy as fuck" on or around 3 June 2021;
  - b. encouraging Pupil B to purchase alcohol and/or providing Pupil B with a form of identification to use to purchase alcohol in or around 2020;
  - c. sending Pupil B a gift for his birthday in or around January 2021;
  - d. agreeing to provide financial assistance to Pupil B on or around 4 January 2021;
  - e. implying to Pupil B that he would stab Pupil B and/or another individual with a knife on or around 7 April 2021;
  - f. offering alcoholic inducements on or around 19 May 2021;
  - g. indicating Pupil B's A-level mark on or around 1 June 2021;
  - h. suggesting he would purchase a wifi booster for Pupil B's birthday on or around 2 June 2021;
  - i. providing Pupil B with the code to access the music staff room on or around 21 June 2021;
  - j. completing one or more assignments for Pupil B;
4. He failed to maintain professional boundaries with Pupil G, by;
- a. sending one or more Microsoft Teams messages to Pupil G making inappropriate comments to the effect of;
    - i. "crap boi" on or around 14 December 2020;
    - ii. "badass" on or around 23 March 2021;
  - b. permitting Pupil G to place his head on his lap;
5. He failed to maintain professional boundaries with Pupil H, by;
- a. sending one or more Microsoft Teams messages to Pupil H making inappropriate comments, including;
    - i. 'shit' on one or more occasions;
    - ii. "love you" on one or more occasions;
    - iii. referring to Pupil H as 'boi' and/or 'muscleboi';

- iv. "I could make some pun about banging...but that would be beneath both of us" on or around 4 May 2020;
- v. "secksyboi" with reference to Pupil H on or around 16 July 2020;
- vi. "nobody fucks with mi boi" on or around 6 October 2020;
- vii. "mate he hates senior mgnt more than I do" on or around 10 October 2020;
- viii. "I mean, if you just wanted to admire the abs a bit more, I'm sure we've got a mirror somewhere we're not using" on or around 19 October 2020;
- ix. "you look like you'd fuck me up in a dark alley" on or around 27 February 2021;
- x. "just missing ya and want to smoke" on or around 3 March 2021;
- xi. "I hope you get all the love in the world today" on or around 19 March 2021;
- xii. "I wish I'd known that the cropped-haired lil dude who opened the door to me and [individual X] on our induction weekend was gonna become such a massive part of my life, and an even bigger part of my heart" on or around 19 March 2021;
- xiii. "I'll never say anything, but the offer's there if it helps" on or around 24 March 2021;
- xiv. 'fuck' and/or 'crap' in or around March 2021;
- xv. "was it worth sacrificing your penis size" on or around 14 April 2021;
- xvi. "and lastly, and most importantly, you are my favourite human being. Like you make me happy just by walking into a fucking room. You got in the middle of my heart, lad. I'm such a massive fan of yours" on or around 2 May 2021;
- xvii. "you know you mean the world to me" on or around 2 May 2021;
- xviii. "you are one of those people who I hope I always know, and I never want to let go of" on or around 2 May 2021;
- xix. "even if ima grumpy fuck sometimes" on or around 2 May 2021;
- b. agreeing to Pupil H that he would confirm [Pupil H] was picking up a keyboard when in fact he knew this was not the case on or around 10 October 2020;
- c. providing Pupil H with his home address;
- d. organising to meet and/or meeting Pupil H outside the school's premises;
- e. completing one or more assignments for Pupil H and/or Pupil H's friend;

- f. agreeing to purchase Pupil H and/or providing Pupil H with cigarettes;
  - g. providing Pupil H with alcohol;
  - h. discussing Pupil H's relationships;
6. He failed to safeguard Pupil B and/or placed Pupil B at risk by not reporting to the school that Pupil B may have consumed cannabis on or around 8 December 2020.

Initially, in Mr Wills' response to the notice of proceedings dated 3 March 2024, he did not admit any of the allegations.

However, during the hearing, Mr Wills admitted the following allegations: 1(c), 3(a)(i)-(xvi), 3(c), 3(d), 3(e), 3(f), 3(h), 3(i), 3(j), 4(a)(i)-(ii), 5(a)(i)-(xix), 5(b), 5(c), 5(e), 5(f) and 5(h).

Mr Wills did not admit the following allegations: 1(a), 1(b), 1(d), 1(e), 2, 3(b), 3(g), 4(b), 5(d), 5(g), and 6.

For the allegations that were admitted, Mr Wills admitted that some but not all of his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Amendment to the allegations

An application was made by the presenting officer to amend the Notice of Proceedings by amending:

- Allegation 3(a)(iv) to amend the words “X’ to indicate a kiss/kisses” to the words “with a love heart emoji”;
- Allegation 3(i) to amend the date “21 June 2021” to “13 June 2021”;
- Allegation 4(a)(i) to amend the date “14 December 2020” to “4 December 2020”;
- Allegation 4(a)(ii) to include the additional words “sending references commenting upon slang terms and/or euphemisms for [REDACTED]”;
- Allegation 5(a)(vi) to amend the word “mi” to “my”; and
- Allegation 5(f) to include the additional words “and/or vape products” at the end.

The panel noted that under paragraph 5.83 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession updated May 2020 (the “Procedures”) it has the capacity to, in the interests of justice, amend an allegation or the particulars of an

allegation, at any stage before making its decision about whether the facts of the case have been found proved.

Before making any amendments, the panel was required to consider any representations by the presenting officer and by the teacher's representative. The parties were afforded that opportunity. The teacher's representative opposed the application on the grounds that it was made less than 24 hours before the hearing, and that the teacher had worked hard to respond to the allegations as they were drafted. In particular, the teacher opposed the proposed amendment to allegation 4(a)(ii) on the basis that this was prejudicial to the teacher as it referred to [REDACTED].

The panel considered that the proposed amendments to allegations 3(a)(iv), 3(i), 4(a)(i), 5(a)(vi) and 5(f) did not change the nature, scope or seriousness of the allegations. In particular, the proposed amendments to allegations 3(i), 4(a)(i), 5(a)(vi) and 5(f) were to correct typographical errors. There was no prospect of the teacher's case being presented differently had the amendments been made at an earlier stage, and therefore no unfairness or prejudice would be caused to the teacher. The panel decided to amend these allegations as proposed.

However, the panel was concerned that the amendment proposed to allegation 4(a)(ii) did alter the nature and scope of the allegation. The amendment would have changed the factual basis of the allegation, and the teacher may have presented his case differently had the amendment been made at an earlier stage. The panel did not consider it to be in the interests of justice to amend the allegation. The presenting officer had ample opportunity to formulate the allegations in advance of the hearing, and to amend the allegation at this stage would have caused unfairness to the teacher.

#### Proceeding in the absence of the teacher for part of the hearing

The teacher's representative made an application to request that the teacher be absent from the proceedings for part of the hearing only, in particular, the morning of the third day of the hearing. The teacher would be present for all other parts of the hearing.

The panel considered whether the hearing should continue in the absence of the teacher during the morning of the third day of the hearing only.

The panel considered that it had a discretion in this regard under paragraph 5.47 of the Procedures, since the requirements relating to the service and content of the Notice of Proceedings had been met.

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed in the absence of the teacher during the morning of the third day of the hearing.

The panel took as its starting point the principle from *R v Jones* [2003] 1 AC1, 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 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 noted that the teacher may waive his right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of *R v Jones*:-

- i) The teacher was aware of the proceedings, as he was in attendance. At the hearing, the teacher's representative confirmed that the teacher would be unavailable during the morning of the third day of the hearing, as he was required to present a research paper as part of an on-going paid opportunity. It was noted that, during this time, it was likely that there would be the questioning of a key TRA witness for which the teacher would not be present. Both the teacher and his representative confirmed they were content for the hearing to proceed in the teacher's absence during this time, and that the teacher would re-join the hearing as soon as he was available. Therefore, the panel was satisfied that the teacher had deliberately and voluntarily waived his right to be present at part of the hearing in the knowledge of the events that were to proceed;
- ii) The teacher was represented and his representative would be present for the teacher during the part of the hearing from which the teacher would be absent; and
- iii) The panel considered there could be a disadvantage to the teacher, as he would not have the benefit of hearing any witness evidence that would be heard in his absence first hand. However, the panel considered that the teacher would have reviewed all of the relevant witness evidence in the bundle, and that the teacher's representative was present and was able to take a note of any additional evidence provided by the witness orally, if required.

The panel considered that Mr Wills was clear and unequivocal in his request. The panel decided to proceed during the morning of the third day of the hearing in the absence of Mr Wills.

#### Application for late witness evidence

The panel heard an application from the teacher's representative for the teacher to call 2 witnesses to give oral evidence at the hearing.

Firstly, the teacher's representative asked the panel to permit a former colleague of Mr Wills, [REDACTED] at Marlborough College, to be called to give evidence on the first day of the hearing. The teacher's representative confirmed that this witness would only be available to attend the hearing on 10 May 2024, [REDACTED]. The teacher's

representative confirmed that the teacher was content for the witness to provide his evidence first, at the start of the hearing. The teacher's representative explained that this witness evidence was particularly relevant to allegations 3(j), 5(a)(vii) and 5(e).

The panel considered the impact that this would have had on the proceedings as a whole. In particular, the teacher would have needed to call his first witness before the panel had had the opportunity to hear any other evidence, including the TRA's own witnesses.

The presenting officer opposed the application on the basis that the teacher had had multiple opportunities to call witnesses, had been contacted on multiple occasions and told when the hearing would be listed, but that he did not respond. However, the teacher's representative advised that he did inform the TRA of this witness' availability prior to the hearing on 7 May 2024. The teacher's representative also advised that he had misread the date that was on the notice of proceedings, and did not know the order of when the witnesses would be called. The presenting officer also opposed the application on the grounds that allowing the witness to give evidence before hearing any of the other evidence would disrupt the entire running order of the hearing, and that it would not be clear and logical for the panel to hear this evidence first, before hearing the TRA's evidence.

The panel considered that the procedure to be determined at a hearing is set out at paragraphs 5.78 and 5.84 of the Procedures. The panel also noted that paragraph 5.77 of the Procedures states that, subject to paragraphs 5.78 to 5.84, the procedure at a professional conduct panel hearing is determined by the chair. The panel noted that the procedure at a hearing is clearly set out so that the presenting officer first presents the case on behalf of the TRA, which includes presenting witness evidence, followed by the teacher presenting his defence (and calling his own witnesses).

The panel considered whether it would be practical and proportionate to disrupt the running order of the hearing. The panel noted that procedurally it would not fit, and it would not be logical for the teacher to call his own witness to give evidence before the panel had had the opportunity to hear any of the TRA's evidence. The panel also did not agree that the witness was vital to particular allegations, based on the evidence from this witness that was contained within the bundle. In particular, the panel considered that this witness' evidence would be mainly based on opinion, whereas the panel was required to consider matters of fact and law. The panel considered that it would have the benefit of witness evidence from the key factual witnesses at the hearing. As a result, the panel did not see a justifiable reason for changing the procedure in order to allow this witness to give evidence. The panel rejected the teacher's application for this witness to give oral evidence out of sequence at the hearing.

The panel heard a further application from the teacher's representative, to permit the teacher's representative to give oral evidence at the hearing, as a witness for the teacher.

The teacher's representative asked the panel to permit him to act as both representative and a witness for the teacher in these proceedings. The teacher's representative explained that, as Mr Wills' [REDACTED], he had resided with Mr Wills and was present during some of the events that occurred which are the subject of some of the allegations.

The presenting officer objected to this application on the basis that it would not be practical or logical for the teacher's own representative to also be a witness at the hearing. The presenting officer also confirmed that, the TRA had previously asked the teacher's representative to confirm whether he would be attending as a representative or a witness, and advised him that it would not be possible for him to attend as both. In particular, the presenting officer referred to paragraph 5.94 of the Procedures which states that a witness may not be present at a hearing until that witness has completed giving evidence and will not be recalled to give further evidence. The presenting officer stated that this would cause difficulties as the teacher's representative would not be able to represent the teacher at the start of the hearing, and that this would also cause difficulties if the panel determined to recall the witness. The teacher's representative stated that he would be content to give his evidence first in order to assist the panel. However, the teacher's representative confirmed that if he had to make a choice then he would prefer to act as Mr Wills' representative, rather than a witness.

The panel considered paragraph 5.94 of the Procedures, which states that a witness may not be present in the professional conduct panel hearing until the witness has completed giving evidence and the panel has determined that it is unlikely to be necessary to recall the witness, unless the panel directs otherwise. Again, the panel noted that procedurally it would not be logical for the teacher to call his own witness to give evidence before the panel had had the opportunity to hear any of the other evidence. The panel also agreed that allowing the teacher's representative to give evidence would cause difficulties during the hearing, particularly in respect of questioning. The panel had sight of the teacher's representative's evidence in the bundle and did not consider this evidence to be central to the facts of the case. The panel noted that Mr Wills would be giving his own evidence in respect of these same facts (which would be key evidence), and that the teacher's representative could direct Mr Wills to any document within the bundle as part of his questioning. Therefore, the panel rejected the teacher's application for the teacher's representative to be called as a witness for the teacher at the hearing.

In light of these decisions, the panel noted that this would mean that the written evidence of both witnesses who would not be called to give oral evidence, which was contained in the bundle, would now be hearsay evidence. The panel noted that there is a distinction to be drawn between the situation when a presenting officer seeks to rely upon hearsay evidence, and the current situation when it is the defence seeking to introduce hearsay evidence, without the witness being in attendance. The former invokes considerations relating to the teacher's right to a fair hearing, whereas the latter does not, although there remains a question of the fairness between the parties. The panel had regard to whether it would be a sufficient safeguard for a hearsay warning to be given before the panel's

determination on the facts. The panel was satisfied that any imbalance caused to the presenting officer in being unable to cross-examine the witnesses could be addressed by the panel's decision in due course as to what weight it should attach to the evidence, if such evidence was to be admitted.

### Admissibility of a late document

The teacher applied to admit one document. That document was not served in accordance the requirements of paragraph 5.37 of the Procedures, and as such the panel was required to decide whether the document should be admitted under paragraph 5.34 of the Procedures, at the discretion of the panel. The panel took into account the representations from the teacher and the objections raised by the presenting officer to the admission of the document.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was not satisfied that the document could reasonably be considered to be relevant to the case. In particular, the document was a screenshot from the Instagram page of one of the TRA's witnesses, and the panel could not see how this was relevant to the case against the teacher. Since the document did not meet the threshold of relevance, it was unnecessary for the panel to consider the question of fairness.

The panel rejected the teacher's application to admit a late document.

## **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 10 to 11

Section 2: Notice of proceedings and response – pages 13 to 43

Section 3: Teaching Regulation Agency witness statements – pages 45 to 78

Section 4: Teaching Regulation Agency documents – pages 80 to 353

Section 5: Teacher documents – pages 355 to 3324

The panel also received a series of video and audio recordings, which were included as part of the bundle but provided separately due to their format.

The panel members confirmed that they had read all of the documents within the bundle, and had accessed all of the video and audio recordings, in advance of the hearing.

## Witnesses

The panel heard oral evidence from the following witnesses, called by the TRA:

- Pupil F – [REDACTED];
- Witness A – [REDACTED]; and
- Witness B – [REDACTED].

The panel also heard oral evidence from Mr Wills.

## Decision and reasons

The panel announced its decision and reasons as follows:

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

In September 2019, Mr Wills commenced employment at the Marlborough College (“the College”), as a Teacher.

As part of his employment, Mr Wills was provided with housing accommodation by the College, which was in close proximity to the main College campus.

On 29 June 2021, the [REDACTED] of Pupil A (“Individual C”) contacted the College to raise academic and safeguarding concerns in respect of Mr Wills. In particular, there were concerns that Mr Wills had taken pupils out for drinks, vaped with pupils and had allowed pupils to purchase vape equipment and have it sent to Mr Wills’ home.

An investigation was commenced, which had involved meetings with pupils and staff members on 30 June 2021.

On 1 July 2021, Mr Wills attended a meeting at the College and was suspended on the same date.

The College continued its investigation into Mr Wills.

On 2 July 2021, Mr Wills attended an investigation meeting at the College.

On 15 July 2021, Mr Wills attended a further investigation meeting at the College.

On 20 August 2021, Mr Wills attended a further investigatory meeting with the College. Subsequent to this meeting, Mr Wills resigned from his position at the College, with immediate effect on the same day.

On 16 November 2021, Mr Wills was referred to the TRA.

## 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 engaged in inappropriate behaviour by;**

#### **a. vaping in the vicinity of pupils and/or on the school's premises;**

This allegation was denied by Mr Wills.

This allegation was first raised to Witness A by Individual C on 29 June 2021. In particular, among other concerns that were raised, Individual C stated that Mr Wills had vaped with pupils. It was the allegations raised by Individual C that prompted the College's investigation.

In [REDACTED] oral testimony, Witness B confirmed to the panel that [REDACTED] had witnessed Mr Wills vaping in the music technology room (Mr Wills' classroom). In particular, Witness B explained that this was in or around June 2021, when [REDACTED] had entered Mr Wills' classroom in order to speak with Mr Wills, for reasons that [REDACTED] were unable to recall (but may have been to borrow some equipment or seek technical advice). Witness B explained that this was not during a lesson time but there were pupils present, as pupils often worked on their music in Mr Wills' classroom, outside of lesson time.

Witness B stated that upon entering the classroom, Mr Wills was sat at a desk behind a computer screen, and there was vape smoke above his head. Witness B confirmed that pupils were sat no further than 3 metres away from Mr Wills, and they would also have witnessed Mr Wills vaping. Witness B stated that once [REDACTED] entered the room, Mr Wills had immediately stood up, and that he appeared to be "embarrassed", "very tense", "nervous" and "twitchy".

Witness B could not recall smelling any vape smoke when [REDACTED] entered Mr Wills' classroom, but stated that [REDACTED] had no doubt that Mr Wills had been vaping. Witness B confirmed that [REDACTED] did not discuss what [REDACTED] saw with Mr Wills, but [REDACTED] had raised it as a concern to [REDACTED] line manager, [REDACTED] ("Teacher A").

Following the concerns raised by Individual C, on 7 July 2021, Witness A contacted Witness B by telephone to discuss the vaping allegations, and to ask about the incident that they had reported on 29 June 2021. The panel had sight of a note of this telephone call taken by Witness A, which was included within the College's investigation report. In the note, Witness B is recorded as confirming that they had witnessed Mr Wills vaping in the music technology classroom, whilst pupils were present.

In the investigation report, the panel also had sight of an attendance note taken by Witness A, of a call between Witness A and Teacher A, that also took place on 7 July 2021. In the note, Teacher A is recorded as having confirmed that Witness B came to him with a concern, and stated that they had witnessed Mr Wills vaping in the music technology room. In particular, the note stated that “[Witness B] had said [Mr Wills] had the device in his mouth and then puffed it out.” During their oral testimony, Witness B could no longer recall if they did see the device in Mr Wills’ mouth. Witness B was also unable to confirm, from their own knowledge, whether other teachers had seen Mr Wills vaping on school premises or in front of pupils.

The panel found Witness B to be a credible witness, particularly as their testimony (insofar as they could recall) was consistent with their witness statement in the bundle and the contemporaneous note of their telephone call with Witness A on 7 July 2021.

The panel had sight of the College’s full investigation report, which was compiled by Witness A. Within the report, there were testimonies from other pupils that had been interviewed as part of the investigation. These interviews were undertaken by both Witness A and Teacher B, [REDACTED]. According to the investigation report, Pupil A stated that Mr Wills “vapes in class, in lesson time”. Pupil E stated that Mr Wills had “vaped in front of [Pupil E] on several occasions when they were together in the department.” Pupil F also stated that they had seen Mr Wills “vaping in front of pupils”. However, Pupil C stated that they had not seen Mr Wills vaping in front of pupils.

Pupil D was also “clear that [Mr Wills] did not partake in such activity in class.” However, the panel noted there was an email in the investigation report from Pupil D’s Housemaster to Witness A, after Pupil D’s interview, which stated that “[Pupil D] has admitted they were not telling the truth this evening”, and that they “disclosed that there are some things happening that they know is wrong”. Pupil D did not provide any further statement as part of the College’s investigation, and so, the panel noted it did not have enough information to consider the veracity of Pupil D’s account.

As part of the College’s investigation, Witness A also interviewed Mr Wills’ [REDACTED] at the College (“Teacher C”). Teacher C confirmed that they had never seen Mr Wills vaping in front of pupils inside any College buildings and during class time. However, Teacher C did state that they had seen Mr Wills “vaping in front of pupils at a party in a private home”, which was confirmed to be the home of Teacher A.

The panel acknowledged that the interview notes in the investigation report were hearsay evidence, but admitted them on the basis that they were relevant to the allegations, particularly in light of the differing accounts from multiple individuals. However, the panel did apply less weight to them than to the testimonies of witnesses who gave evidence orally at the hearing.

In his oral testimony, Pupil F confirmed that they “had no doubt” and was “certain” that they had witnessed Mr Wills vaping, whilst in the music technology room.

The panel also had sight of a screenshot taken of messages sent between Mr Wills and Pupil H on Microsoft Teams. In particular, there was a message on 12 June 2020 sent by Mr Wills, which referred to: "Emails telling me I'm vaping in the wrong place...etc".

In his oral testimony, Mr Wills denied that the incident, as described by Witness B, ever occurred. Mr Wills stated to the panel that he had not vaped in his classroom, and that the accounts of Witness B and Pupil F were untruthful. Mr Wills did admit to the panel that he previously used to vape behind a large Leisure Centre that was within walking distance from the College, as he believed that this was off campus, and it was not visible to students. However, Mr Wills explained that he was later informed that this was in fact on campus, and that he was not permitted to vape there. Mr Wills stated that he did not realise that he had been vaping on campus, and as soon as he became aware, he ensured that he vaped off campus entirely.

Mr Wills explained to the panel that he did not vape in his classroom for several reasons. Firstly, Mr Wills stated that as his classroom was the music technology room, there were several pieces of expensive music equipment kept there, some of which were Mr Wills' own personal equipment. As a result, Mr Wills stated that he had a high regard for that room and the equipment and that, if he had been vaping in the classroom, the equipment would have been damaged as a result of any vape smoke. Secondly, Mr Wills advised that there was a smoke alarm in his classroom, which would have activated if Mr Wills had been vaping in the room. Mr Wills described a previous event where a pupil had been caught vaping in their dormitory, and the smoke alarm went off. Mr Wills also explained that there were many windows in his classroom, which overlooked one of the boarding houses, and that if he had been vaping in his classroom, anyone walking past this room would have been able to see it. Mr Wills explained that his position in the classroom meant that he would have been clearly visible from the windows. Mr Wills also stated that the vape smoke would have left an unmistakeable smell on the furniture and the walls, which would have spread outside of his classroom, and that no smell had been reported. Witness B had also stated the windows in the classrooms are restricted so that whilst they can be opened by a few inches, they cannot be fully opened.

However, the panel also heard from Witness A how, the music department was a big space and in particular Mr Wills' classroom was large. As a result, Witness A explained that a vape would not have set off a smoke alarm in a classroom, although they advised that there had not been any previous incidents. Witness A also explained to the panel that the music department is not an area of significant footfall and would be a quiet area at break times. The panel had no reason to question the information provided by Witness A, or their knowledge of the College buildings.

The panel had sight of the College's "no smoking policy", which states that: "Smoking is therefore prohibited in all enclosed and substantially enclosed premises in the workplace, including all College vehicles ... Smoking for these purposes includes the use of cigarettes, cigars, pipes, electronic cigarettes (or e-cigarettes/vaping devices)". Mr Wills



accepted that he had read this policy and he knew that smoking, including vaping, was prohibited on campus. As a result, he also knew that vaping in the classroom would be contrary to that policy.

Mr Wills stated that all of the allegations that had been raised by Pupil A (through Individual C) were false. In particular, Mr Wills stated that Pupil A had received a failing grade in [REDACTED] music technology examination (which had been marked by Mr Wills). Mr Wills stated that Pupil A had also previously been pulled up for making “racist remarks”. As a result, Mr Wills stated that Pupil A had advanced false allegations against him maliciously, including that he vaped with pupils. Mr Wills also stated that Pupil A’s house friends, Pupils E and F, had falsely corroborated Pupil A’s complaint in respect of vaping, having discussed these with Pupil A.

The panel had sight of the email from Individual C dated 29 June 2021, raising the concerns in respect of Mr Wills. The panel noted that this email did include a concern that “[Pupil A’s] grades are extremely low in this subject and no matter how hard [REDACTED] work they do not improve”. However, the panel noted that there was no evidence to demonstrate that the allegations had been raised maliciously, as part of a conspiracy between pupils, or that they were linked to Pupil A receiving a low grade.

The panel noted that Mr Wills’ testimony was consistent with his statements made during the investigation interviews, and his representations in the bundle. However, the panel also heard from Witness B how they previously had a good relationship with Mr Wills, and noted there was no evidence to suggest that Witness B had a reason to raise untruthful allegations. Having found Witness B to be more credible, the panel concluded it was more likely than not that Mr Wills had been vaping in front of pupils and/or on the school premises.

The panel found this to be inappropriate behaviour. In particular, the panel had noted that vaping on school premises was contrary to the College’s “no smoking policy.” Further, the panel noted that, regardless of the policy, it was highly inappropriate to vape in front of pupils, particularly on school premises. The panel noted that a teacher should be a role model, and should be setting an example to students, and that Mr Wills failed to do this and instead acted in direct contravention of the rules.

The panel found this allegation proven.

**1. You engaged in inappropriate behaviour by;**

**b. allowing one or more individuals to vape in the vicinity of pupils on the school’s premises;**

**c. facilitating and/or permitting one or more pupils to vape;**

Pupil F stated that whilst they did not study music technology, they had friends at the

College who did study the subject, and at break times they would “hang out” in Mr Wills’ classroom. Pupil F confirmed that they only attended the music technology room during universal break times to sit with their friends, and not during lesson times. Pupil F stated that initially, only 2 or 3 pupils would attend the music technology room during break times, but a lot more pupils started “hanging out” there and it progressively became more popular.

Pupil F stated that, when they visited Mr Wills’ classroom, they would see other pupils vaping there. Pupil F also stated that sometimes Mr Wills would be present, and would see the pupils vaping, but would not say anything in particular, as far as they could remember. When asked about the frequency of pupils vaping in Mr Wills’ classroom, Pupil F described it as “habitual”. Pupil F stated that pupils would vape in Mr Wills’ classroom as they did not feel as though they would get into trouble.

The panel found Pupil F to be a credible witness, particularly as their oral testimony was consistent with their witness statement within the evidence bundle, and also in their statement provided as part of the College’s investigation. Further, the panel also noted that Pupil F freely admitted to vaping [REDACTED] whilst in Mr Wills’ classroom.

Pupil F’s evidence was also corroborated by the statements of other pupils, as recorded in the College’s investigation report. In particular, Pupil A stated that Mr Wills “allows vaping by pupils to take place and he also allows vaping from the additional members of the College community who visited his classroom from time to time.” Pupil C also stated that “pupils did vape in the music technology room, in front of [Mr Wills].”

Pupil F also recalled one occasion, when they were sitting in Mr Wills’ classroom during a break time, they witnessed Mr Wills providing a package to Pupil H. Pupil F confirmed that they were seated next to Pupil H at the time as they had gone to the classroom to listen to Pupil H’s music. Pupil F explained that Pupil H opened the package, and inside was a vape and vape juice. Pupil F stated that this was “out in the open” and Mr Wills was “not being subtle”.

One of the concerns raised by Individual C was also that Mr Wills had allowed pupils to purchase vapes and have them sent to Mr Wills’ address. Pupil A also stated in their investigation interview that they had heard Pupil B ask Mr Wills “if they could send something of that nature to [Mr Wills’] house, to which [Mr Wills] agreed.”

During his investigation meeting on 2 July 2021, Mr Wills confirmed that “pupils were not allowed to vape in front of him”, and that “pupils were certainly not allowed by him to vape in the classroom”. Mr Wills had also denied that he had ever been involved in handing a vape package to a pupil.

As part of the College’s investigation, Witness A carried out a search of Mr Wills’ Microsoft Teams messages. The search revealed that there were many messages

between Mr Wills and Pupil H, in which Mr Wills agreed to purchase vape equipment for Pupil H, and to have it delivered at his address.

At the hearing, Mr Wills denied that he had permitted pupils to vape in his classroom or on school premises. In particular, Mr Wills stated that the pupils also respected the music technology room and the music equipment, and that vaping in the classroom would have damaged the equipment. Mr Wills also stated that as he was “anti-smoking” himself, he did not encourage pupils to vape and that he used to have discussions with pupils around the dangers of vaping.

However, during the hearing, Mr Wills did accept that as he had purchased vape equipment for Pupil H, he had facilitated Pupil H’s vaping. In doing so, Mr Wills accepted that this was a “lack of judgment”, a “failure of duties”, and that he failed to safeguard Pupil H. Taking into account all of the evidence above, as well as Mr Wills’ own admission during the hearing, the panel found that it was more likely than not that Mr Wills facilitated and permitted one or more pupils to vape.

The panel found that, on the balance of probabilities, it also was more likely than not that Mr Wills permitted pupils to vape on school premises, particularly in his classroom. The panel did not accept Mr Wills’ testimony that he did not promote or encourage vaping amongst students, particularly as he had accepted that he did provide them with vape equipment. The panel felt that Mr Wills’ own actions had contradicted his testimony, as it was not clear how he could be doing anything other than encouraging pupils to vape by actively providing them with vape equipment.

Overall, the panel did not find Mr Wills to be a credible witness in this regard, particularly as his testimony had changed significantly from the evidence provided during the College’s investigation, where he had denied ever providing vape equipment to pupils.

The panel found Mr Wills’ actions to be extremely inappropriate. The panel found that Mr Wills permitted and encouraged pupils to contradict the College’s “no smoking policy”, and to engage in deceitful behaviour, and that this was clearly against the pupils’ best interests. The panel found that Mr Wills demonstrated a total lack of regard for the governance that was in place. The panel also found that Mr Wills’ actions went against the best interests of the pupils and their health.

The panel found these allegations proven.

**1. You engaged in inappropriate behaviour by;**

- e. informing a member of staff Pupil B was involved in an event to permit him to miss athletics when in fact this was not the case on or around April 2021;**

This allegation was denied by Mr Wills.

The panel had sight of an email in the evidence bundle from Mr Wills to Teacher D, [REDACTED], dated 22 April 2021 at 08:00, which stated:-

“Dear [Teacher D],

I hope all is well with you. Could [Pupil H] possibly be excused from Athletics this pm, please? He’s due to take part in the final of an internet music competition which we are streaming from the Mem Hall.

Apologies for any inconvenience.

Best,

Dale.”

The panel also had sight of a follow-up email, from Mr Wills to Teacher D, dated 22 April 2021 at 09:20, which stated:-

“Apologies – [Pupil B] will also be involved in the same event – I didn’t realise that he was also down for Athletics.

Could I possibly ask for [Pupil B] to be excused as well, please?

Apologies again,

Dale”

The panel had sight of the following messages, sent between Mr Wills and Pupil B via Microsoft Teams, on 22 April 2024:-

- A message from Pupil B to Mr Wills at 09:00, which stated: “Dale – Could you send an email to [Teacher D] saying I need to help with the sound for [Pupil H’s] gig thing, so I cant come to athletics? I dont wanna misss itttt!!!!”;
- A response from Mr Wills to Pupil B at 09:17, which stated: “Done”, to which Pupil B responded “Thank you!!” at 09:58;
- A message from Mr Wills to Pupil B at 10:40, which stated: “Nah man, thank you! Do you want to do tech tower or photos?”; and
- A response from Pupil B to Mr Wills at 10:47, which stated: “happy to do daughter”, which he then corrected to “either”.

Mr Wills explained to the panel that Pupil H was signed up to perform in an online talent competition. As a result, he had requested that Pupil H was excused from Athletics, which was due to take place at the same time, so that they could perform at the event. Mr Wills also explained that Pupil B was required at the event, in order to operate the sound desk for Pupil H’s performance. Mr Wills stated that he did not realise that Pupil B also needed excusing from Athletics, in order to attend.

However, the panel noted that Mr Wills' testimony was contradicted by the contemporaneous Microsoft Teams messages. In particular, the panel noted that Mr Wills gave Pupil B the option of doing either the "tech tower" or the "photos" at the event, which suggested that Pupil B's attendance at the event was optional as opposed to compulsory. The panel also found that Pupil B's message to Mr Wills stating that [REDACTED] did not want to "miss" the event suggested that [REDACTED] wanted to attend rather than take part in his Athletics lesson, as opposed to being required to attend. The panel also noticed that, in his email to Teacher D in respect of Pupil H being excused, Pupil H's Housemaster had been included in copy. However, in Mr Wills' follow-up email to Teacher D in respect of Pupil B's attendance, Pupil B's Housemaster was not included in copy.

The panel found that factually, Mr Wills did send an email to Teacher D informing him that Pupil B was involved in the same event as Pupil H, and requested he be excused from Athletics. The panel also found that, at the time of sending this email, Pupil B's involvement and role in the event had not been decided. Therefore, the panel found that, on the balance of probabilities, it was more likely than not that Pupil B was not required at the event taking place on 22 April 2021 and that Mr Wills had sought to facilitate Pupil B's wish to avoid his Athletics lesson.

The panel found Mr Wills' actions to be highly inappropriate. In particular, the panel found that Mr Wills' actions undermined his professional colleagues at the behest of Pupil B, and further enabled Pupil B to engage in deceitful behaviour.

The panel found this allegation proven.

## **2. Your conduct as may be found proven at allegation 1e lacked integrity and/or was dishonest;**

Having found allegation 1e proven, the panel went on to consider dishonesty and/or lack of integrity.

The panel considered the test for dishonesty, as set out by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd*.

Firstly, the panel found that Mr Wills knew that Pupil B was not required for the music event and he knew that there was no compulsory role for Pupil B. The panel found it was clear from the Microsoft Teams exchange between Mr Wills and Pupil B, that Pupil B had first approached Mr Wills to express a wish to attend the event, rather than being required by Mr Wills to attend, and that his role was optional.

The panel found that Mr Wills had purposefully sent his email to Teacher D, at the request of Pupil B, in the knowledge that the contents of his email was not truthful.

The panel also found that, applying the standard of ordinary decent people, Mr Wills' state of mind was clearly dishonest. The panel found that Mr Wills deliberately

undermined his colleague, knowing that Pupil B was not required at the music event, so that Pupil B could attend.

The panel found this allegation proven.

**3. You failed to maintain professional boundaries with Pupil B, by;**

**a. sending one or more Microsoft Teams messages to Pupil B making inappropriate comments, including;**

- i. 'fuck' and/or 'fucking' on one or more occasions;**
- ii. 'shit' and/or 'crap' on one or more occasions;**
- iii. "love you" on one or more occasions;**
- iv. ending one or more messages with a love heart emoji;**
- v. referring to Pupil B as your "boi" and/or yours one or more occasions;**
- vi. "if you get sent home, I'm adopting you" on or around 30 October 2020;**
- vii. "hope you're massively hungovah" on or around 1 January 2021;**
- viii. "do I need to phone childline" on or around 16 January 2021;**
- ix. "pack your bags... you're coming to live here" on or around 16 January 2021;**
- x. "cus you know I will fight anyone" on or around 27 February 2021;**
- xi. "listen...are you getting any shit from your [REDACTED]?" on or around 27 February 2021;**
- xii. "nobody gets to fuck with my family" on or around 7 April 2021;**
- xiii. "you are my favourite person" on or around 21 April 2021;**
- xiv. "that is seriously secksy btw" on or around 9 May 2021;**
- xv. "bollocks" on or around 19 May 2021;**
- xvi. "that is secksy as fuck" on or around 3 June 2021.**

Mr Wills accepted that he sent all of these messages to Pupil B. The panel also had sight of the screenshots taken from Microsoft Teams, from Mr Wills to Pupil B, which included all of the messages referred to as part of the allegation.

Whilst Mr Wills accepted that the messages he had sent were inappropriate, he had asked the panel to consider these as "low level concerns". In particular, Mr Wills explained that, during his previous teaching role, he was used to having an informal

relationship with both staff and students, particularly due to the nature of creative subjects such as music technology. Mr Wills explained that at his former institution, he would be on a first name basis with both staff and students. In contrast, Mr Wills also acknowledged that the culture was more formal at the College, and that there was “much more of a professional distance” between staff and pupils. However, Mr Wills explained that despite this, those boundaries were more relaxed within the music department. In particular, there would be a level of interpersonal contact with students, for one-on-one rehearsals, that the majority of academic teachers would not have. As a result, Mr Wills stated that his interactions with students were more relaxed and informal, including with Pupil B.

Mr Wills acknowledged that the language used in these messages, particularly the use of swear words, was not appropriate for a teacher to use with a pupil. Mr Wills explained that he did not intend for the messages to be taken seriously, but that he could see how they added to the blurring of professional boundaries.

The panel found that by sending these messages, Mr Wills clearly failed to maintain professional boundaries with Pupil B. The panel considered the messages to contain intimate conversations that would be sent between friends via a private messaging forum, and not between a teacher and a pupil on a school's Microsoft Teams forum.

The panel accepted that the atmosphere within the music department could generally be more relaxed and informal in contrast to other subjects. However, the panel also heard from Witness A and Witness B how some degree of formality would still be expected between staff and students at the College, in all departments.

The panel found the content of the messages to be highly inappropriate, in particular, those that referred to drinking, drugs, sexual innuendos, and swear words. The panel could not see any reason for which these conversations would be deemed acceptable between a teacher and a pupil. In this case, it was clear that the use of this language between teacher and pupil was routine.

The panel had sight of the College's code of conduct, which specifically stated that: “Staff should choose language that is appropriate in vocabulary, register and tone for their professional role ...” and “Swearing at or in front of pupils is not acceptable; crude, aggressive or offensive language or comments are not acceptable in the College context.” The panel found that the messages sent by Mr Wills to Pupil B clearly breached these policies.

The panel also found that the messages raised some serious safeguarding concerns. In particular, some of these messages were sent in response to Pupil B raising concerns in respect of their personal life. The panel felt that Mr Wills had a duty to safeguard Pupil B but did not recognise the concerning nature of the interaction. The panel noted that he instead sent highly inappropriate messages that would undermine Pupil B's personal relationship with their own [REDACTED], such as: “listen...are you getting any shit from

your [REDACTED]?", or stated that he had hoped Pupil B was "massively hungovah" despite Pupil B not being of legal drinking age. The panel found that these messages potentially caused harm to Pupil B.

The panel accepted that Mr Wills did not intend to cause any harm to Pupil B, and that there was no malign intent behind the messages. It was clear that both Mr Wills and Pupil B thought of each other as friends, as opposed to a teacher and a pupil. The panel also noted that the messages spanned over a long time period, and that messages would be sent very late at night, and during school holidays, which was a clear indicator that the teacher-pupil boundaries had been breached.

The panel found this allegation proven.

### **3. You failed to maintain professional boundaries with Pupil B, by;**

#### **c. sending Pupil B a gift for his birthday in or around January 2021;**

This allegation was admitted.

The panel had sight of messages sent between Pupil B and Mr Wills in January 2021, via Microsoft Teams, which included:-

- A message from Mr Wills to Pupil B at 06:44, which stated: "Happy birthday, my Boi! I know this isn't the birthday you deserve, but I hope you still get spoilt rotten [smiley face emoji] have an awesome day, listen to some kick ass music, eat and drink too much, and have a great time. Lavyaloadz and can't wait to seeya, Dx";
- A message from Pupil B to Mr Wills at 09:42, which stated: "I'm at my [REDACTED] house now but will be opening ur present very soon...";
- A message from Pupil B to Mr Wills at 12:20, with what appears to be photographs of a gift, and stating: "thank you so much dale" and "you didn't need to do that!!!"; and
- A message from Mr Wills to Pupil B at 12:21, which stated: "Nah, but I wanted to".

Mr Wills accepted that he did purchase a gift for Pupil B. The gift was a "build your own synthesiser" kit, and had a value of £11.00. Mr Wills explained that, as a result of the Covid-19 pandemic, the College had gone back into remote learning. Mr Wills also explained that, it was Pupil H's idea to set Pupil B the task of constructing a synthesiser during the lockdown. Mr Wills stated that, Pupil B's birthday was in January, but the reference to the gift being a "birthday present" was ironic. Mr Wills explained that he had previously dispatched music equipment to other pupils so that they had the resources to continue learning in lockdown, and provided an example where he provided a digital piano to a student for this purpose.

During the hearing, Mr Wills stated that he was "open to the idea that the language surrounding the gift does represent a failure of professional standards." However, Mr



Wills also stated that it related to a work project, and the synthesiser built by Pupil B was stored in his classroom at the College for the rest of the year.

The panel had sight of a written response that was prepared by Mr Wills during the College's investigation, after Witness A had discovered the Microsoft Teams messages. In this document, Mr Wills stated: "I accept that presenting these items as a 'birthday present' was wholly inappropriate and represents a breach of Professional Standard 12."

The panel found that the gift to Pupil B was different from simply providing musical equipment to a pupil, particularly given the over-familiar nature of the relationship between Mr Wills and Pupil B. The panel found that, by sending this gift to Pupil B and making reference to their birthday, Mr Wills was further cementing that relationship which went beyond that of a teacher-pupil relationship, and was more akin to a friendship.

In his oral testimony, Mr Wills also accepted that the appreciation that was shown by Pupil B, in response to the gift, is exactly the kind of thing that he should not be encouraging as a teacher. The panel found that the act of singling out Pupil B and sending them a gift, regardless of whether or not this was a birthday gift, was highly inappropriate and was a failure to maintain professional boundaries.

The panel found this allegation proven.

**3 You failed to maintain professional boundaries with Pupil B, by;**  
**d. agreeing to provide financial assistance to Pupil B on or around 4 January 2021;**

This allegation was not admitted.

The panel had sight of messages sent on Microsoft Teams between Mr Wills and Pupil B on 4 January 2021, which included:

- A message from Pupil B to Mr Wills at 11:49, which stated: "been thinking about it – I think I'm going to finance one of my AKG c414s (just because I think it makes more sense financially to not spend all of my saving at once ahahaha). Would you be able to finance stuff on my behalf? I can ask my [REDACTED] if you fee at all uncomfortable, but I thought you might like the loyalty points on Andertons [smiley face emoji]"; and
- A response from Mr Wills to Pupil B at 11:52, which stated: "Yeah man – more than happy to help out, if you need" and "So what's the immediate buying plan?"; and
- A message from Pupil B to Mr Wills at 11:54, which stated: "Can you call? Might be easier to explain over the phone ahaha".

Mr Wills explained that Pupil B was referring to the purchase of AKG414 microphones, which retail for around £1,000. Mr Wills explained that, during lockdown, the

departmental budget had been frozen for emergency use only, and the department was under-resourced. Mr Wills explained that, as he was used to supplying equipment for the music technology department, he advised Pupil B that he was happy to provide some equipment if necessary. Mr Wills explained that, after that conversation via Microsoft Teams, Mr Wills and Pupil B had discussed whether the department could purchase the microphones on the student's behalf. Mr Wills accepted that the specific microphones were in excess of the grade required by the College.

Mr Wills explained that the purchase did not happen in any event, and that he had no intention of buying microphones personally on behalf of Pupil B.

The panel found that, regardless of Mr Wills' intention, the Microsoft Teams messages clearly demonstrate an agreement by Mr Wills to "finance stuff" on Pupil B's behalf. As a result, the panel found that Mr Wills did agree to provide financial assistance to Pupil B, albeit it was not an obligation he fulfilled.

The panel found that this was highly inappropriate and breached professional boundaries. In particular, the panel found that this exchange had taken the relationship to another level that is beyond that of a teacher and a student, by introducing a financial aspect to the existing power dynamic.

The panel found this allegation proven.

**3 You failed to maintain professional boundaries with Pupil B, by;**  
**e. implying to Pupil B that you would stab Pupil B and/or another individual with a knife on or around 7 April 2021;**

This allegation was admitted.

The panel had sight of messages sent on Microsoft Teams between Mr Wills and Pupil B on 7 April 2021. As part of this conversation, Pupil B appeared to be complaining about a different subject teacher, who had provided negative feedback to Pupil B. In response to this, Mr Wills sent a series of messages to Pupil B at 17:14, stating: "Dafuq", "I know where he lives", and "Do you want me to cut him?".

At 14:21, Mr Wills also stated: "Still think you should let me cut him – just sayin [laughing face emoji]". In response to this, at 14:22, Pupil B stated: "definitely don't do that [3 laughing face emojis] not worth loosing ur job over".

Further down in the thread, Mr Wills also sent 2 messages at 14:22, which stated: "Aww man – I'd make it look like an accident" and "You know, like – I knocked on your door and just happened to be resting my knife against it when you opened...". Pupil B responded at 14:31, stating: "don't do that!!!".

Mr Wills explained to the panel that whilst he could not speak to his mindset 3 years ago, however he did accept doing "something wrong". Mr Wills also stated that he was

referring to “exaggerated comic book violence”. Mr Wills stated that there was no suggestion that any real threat was intended or received, and he was just trying to support Pupil B by making a joke. Mr Wills also asked the panel to consider the stress that people were under during lockdown at the time, and stated that “levity does a lot to support students when they are under difficult circumstances.”

Mr Wills did accept that there was a concern around the language he used and having that level of a “jokey relationship” with a student. Mr Wills also stated that he accepted it was “silly” and he now felt “a little bit embarrassed” about it.

The panel found the messages to be highly inappropriate, and in particular, were concerned that a teacher was discussing doing harm to a colleague. The panel found that Mr Wills was undermining another staff member, furthering the blurring of professional boundaries between himself and Pupil B. The panel also found that the messages conveyed a reversal of the teacher-student relationship, as Pupil B appeared to be trying to calm Mr Wills down and discourage his actions (notwithstanding whether or not the comments made by Mr Wills were a joke), which was clearly not appropriate.

The panel found this allegation proven.

### **3 You failed to maintain professional boundaries with Pupil B, by; f. offering alcoholic inducements on or around 19 May 2021;**

This allegation was admitted.

The panel had sight of messages sent via Microsoft Teams, between Mr Wills and Pupil B on 19 May 2021, which included:-

- A message sent by Mr Wills to Pupil B at 16:57, which stated: “If I bring you beer, and chance you can do the desk on Friday night?” and “Pretty please?”;
- A response from Pupil B to Mr Wills at 16:58, which stated: “of course” and “what time”; and
- Messages sent by Mr Wills to Pupil B at 16:59, which stated: “7:45”, “You can come to the swanky reception after, too [wink face emoji]” and “(where there will be more beer...)”.

Mr Wills explained that he was playing in a music concert hosted at the College, and he needed somebody to operate the sound desk. Mr Wills stated that, as Pupil B was an adept audio technician, he asked them to help. Mr Wills stated that the reference to alcohol would have been taken as “ironic”, as Pupil B “does not like beer” as their “preference is cider”, and that Pupil B was “not a drinker”.

Mr Wills agreed that there are no circumstances that make it appropriate to be offering alcohol to pupils as a trade-off to do some work, and that the language in his messages to Pupil B was inappropriate.

The panel found that Mr Wills offering beer to Pupil B as a reward for providing their services at the concert amounted to an inducement. The panel did note from Witness A's evidence that it was common for beer to have been served at this type of event, and that pupils would have been permitted to drink a small amount. However, the panel found that Mr Wills offering this directly to Pupil B was highly inappropriate, particularly given that Pupil B was not of legal drinking age. The panel was also conscious of the friendship that had developed between Mr Wills and Pupil B, which had already crossed the boundaries of a pupil-teacher relationship, and that the language used by Mr Wills only served to blur those boundaries further. The panel found that Mr Wills failed to maintain appropriate professional boundaries.

The panel found this allegation proven.

**3 You failed to maintain professional boundaries with Pupil B, by;  
g. indicating Pupil B's A-level mark on or around 1 June 2021;**

This allegation was not admitted.

The panel had sight of messages sent by Mr Wills to Pupil B via Microsoft Teams, on 1 June 2021. In particular, there was a message sent by Mr Wills at 14:52, which stated: "Ps – this is your A level. In a box. Filed". There was also an attachment sent by Mr Wills, which appeared to be an image of an open cardboard box, with a collection of examination papers, and 2 CDs on top. The panel noted that there appeared to be some text shown on the examination papers, but that this text was not legible to the panel.

Pupil B's response to Mr Wills' message, at 14:54, stated: "YESSSSSSS", "sick", "thank you so much [smiley face emoji]".

In his testimony, Witness A confirmed that they had discovered this message when reviewing all of Mr Wills' Microsoft Teams messages. Witness A also confirmed that they had enlarged the image, in order to get a clearer view. In doing so, they were able to see that an A level mark was visible on the top document. Witness A confirmed that the anonymisation strip had not been removed.

Witness A explained that, when they saw this particular image, they felt a "gut punch" indicating their realisation that the controls so carefully constructed to comply with Covid-19 examination regulations had been compromised, explaining that due to the Covid-19 pandemic, external examinations had been suspended. As a result, schools were responsible for determining grades, following processes that were decided by examining bodies [REDACTED]. Witness A explained that the College had taken a very serious approach, and that they had "jumped through hoops" to ensure that staff were in a position to give fair grades. In particular, assessments had to be undertaken in as close to [REDACTED] approved conditions as possible, and there were strict restrictions regarding exam invigilation. Witness A stated that at the time, schools believed that if they had not taken those steps, all of the results could have been called into question.

Witness A explained that Mr Wills sharing that photograph with Pupil B was categorically not in line with the process that had been set up. Witness A stated that they did not want to place students' futures at risk but that Mr Wills' actions had done this. Witness A became [REDACTED] when giving their account to the panel.

Mr Wills confirmed that the image that he sent to Pupil B was an image of their music technology A level paper. However, Mr Wills denied to the panel that any identifiers and A-level marks were visible. In particular, Mr Wills explained that he covered any indication of an A level mark with the 2 CDs that are seen in the image. Notwithstanding this, Mr Wills accepted that there were very clear and strict rules about what could be shared with pupils, and that sharing the image with Pupil B was in direct contravention of these rules. Mr Wills also accepted during the hearing that there was a huge risk that he could have jeopardised exam results for many pupils.

The panel noted that it did not have an enlarged copy of the image, and so it could not see whether or not the paper pertained to Pupil B, and also whether any A level mark was visible. The panel perceived Witness A to be a credible witness, particularly as C their oral testimony was consistent with their statement in the bundle.

The panel also had sight of the following messages, sent between Mr Wills and Pupil B, via Microsoft Teams:

- A message sent by Pupil B to Mr Wills on 4 January 2021 at 20:08, which stated: "i am worried you have no concrete evidence to prove me getting an a\*", followed by a series of messages from Mr Wills to Pupil B at 20:09, which stated: "Lol – I have every listening test you've done since sept", "I have your coursework", "And I have every song you've ever written and produced", "If you don't finish this year with a fucking A\* I will burn the fucking houses of parliament to the ground", and "I'm so frikking sorry that these ideas have messed up your exams, but I promise you I am not going to let this mess up your education"; and
- Messages sent by Mr Wills to Pupil B on 18 February 2021 at 15:00, which stated: "So yeah, I'm fairly comfortable putting your stuff forward as A\* 90% plus work" "(if that's what you wanted to know!)".

The panel found that, based on these prior messages, Mr Wills did seem willing to easily discuss Pupil B's prospective A level grades with him, including to confirm the grade that he would be putting forward. The panel also considered that in light of Mr Wills' relationship with Pupil B (which went beyond that of a teacher-pupil relationship), and the level of favouritism that Mr Wills appeared to demonstrate towards [REDACTED], it would be entirely plausible for Mr Wills to disclose Pupil B's A level mark to [REDACTED]. The panel found, on the balance of probabilities, that it was more likely than not that Mr Wills indicated Pupil B's A level mark to [REDACTED] on 1 June 2021.

The panel found this behaviour to be extremely inappropriate and unprofessional. The panel found that Mr Wills' actions placed all students at risk and was in direct

contravention of the strict rules set by the College. The panel understood the significant reputational implications such a departure in procedure could have on the College.

The panel also found that Mr Wills was clearly aware of the potential consequences of his actions, but had no regard for them. The panel also found Mr Wills' actions to be inappropriate, as he appeared to be singling out one student, namely Pupil B, which only served to further blur the professional boundaries of their relationship.

The panel found this allegation proven.

**3 You failed to maintain professional boundaries with Pupil B, by;**  
**i. providing Pupil B with the code to access the music staff room on or around 13 June 2021;**

This allegation was admitted.

The panel had sight of the following exchange between Mr Wills and Pupil B, that took place via Microsoft Teams, on 13 June 2021:

- Pupil B at 09:57: “yo”, “trying to make coffeee”, “but the staff room is locked??”;
- Mr Wills at 09:58: “[REDACTED]”;
- Pupil B at 09:58: “is there a code or something i can use?”;
- Mr Wills at 09:58: “I think...”;
- Pupil B at 09:58: “thank you sooo much”; and
- Mr Wills at 09:58: “Or [REDACTED] – it’s eitehr [REDACTED]”.

Mr Wills accepted that he did provide Pupil B with the code to access the music staff room, but that this was on a weekend, not a school day. Mr Wills explained that Pupil B needed access to the music staff room to obtain water for coffee, as there was no access to water other than in the toilets, which was not suitable for drinking. Mr Wills agreed on questioning that he knew the music staff room was not a place for pupils to be in, especially without staff present, particularly given that it would have contained confidential information about pupils and personal items of staff. Mr Wills also accepted that, in providing the access code to Pupil B, he showed a complete disregard for the rules of the College and what is in the best interest for pupils.

In their testimony, Witness B confirmed that the staff music room required a code to access, and that there was no legitimate reason why pupils would be provided with the code. Witness B explained that pupils would have access on some occasions, to collect photocopying or if they were volunteering to play in lunch time recitals, but they would be accompanied by a staff member at all times. Witness B also explained that the music staff room would contain confidential material, such as a list of pupils who had [REDACTED], or details of pupils' [REDACTED], and that as a result the door to the room

specifically had a sign that forbade pupil access. Witness B also confirmed that the staff music room would remain locked over the weekend.

In finding the factual element of the allegation proved, the panel also found that Mr Wills' behaviour demonstrated a failure to maintain appropriate boundaries. In particular, it was clear that the music staff room was out of bounds for pupils, demonstrated by the fact that access was controlled by a passcode that students were not privy to. The panel noted that Mr Wills would have been aware of this and would also have known that the staff music room contained confidential and sensitive pupil information, but that he still disregarded the College's policy.

The panel found this allegation proven.

### **3 You failed to maintain professional boundaries with Pupil B, by;**

#### **j. completing one or more assignments for Pupil B;**

This allegation was admitted.

The panel had sight of multiple exchanges between Mr Wills and Pupil B, that were sent via Microsoft Teams, in which Mr Wills appeared to complete assignments for Pupil B.

The panel noted that there were a number of messages that related to music technology assignments, that included:-

- An exchange on 9 January 2021, relating to an "activity log":-
  - Mr Wills at 15:40: "Hey – I've got to hand in your EPQ stuff on Monday for first check-in, if you get a chance, could you cast your eye over this, and let me know if you're happy with it, please?". Mr Wills also sent an attachment to Pupil B, which is a Word Document titled: "Project Activity Log [Pupil B's initials]";
  - Pupil B at 15:41: "DALE", "YOU DID MY ACTIVITY LOG?!!!";
  - Mr Wills at 15:42: "Sorry – had you already done one?", "Didn't mean to suggest that you hadn't", "Just couldn't see it in OneDrive"; and
  - Pupil B at 15:42: "YOU ARE A GOD, no but i've been meaning to do it for ages pahahah", "you really didn't have to do that tho", and "i don't want you to think that i'm lazy and that i was waiting around for you to do it for me";
  - Mr Wills at 15:43: "Yeah I did – no way you're not getting full marks on this [smiley face emoji]"; and
  - Pupil B at 15:43: "thank you so much" and "you are the best person ever".
- An exchange on 10 January 2021, relating to a "bibliography":
  - Mr Wills at 10:06: "How's this for your Bibliography btw?". Mr Wills also sends an attachment, which is titled "Bibliography [Pupil B's initials]"; and

- Pupil B at 10:10: “pahahaha it looks greattttttrttttttt”.
- An exchange on 27 January 2021, in which Mr Wills refers to updating an essay and sending it to Pupil B:
  - Mr Wills at 10:49: “I know what you’re thinking”, “You’re thinking ‘I wish I had an updated version of an essay on psychoacoustics to proofread’”, “Well, wish no more, dear sir! I’ve bunged in a few more words – what dya think?” and Mr Wills attaches a Word Document which is titled “Anechoic Chamber.docx”; and
  - Pupil B at 10:57: “YAYYYY”, “perfect”, “i love itttt”.

The panel noted there were also messages that related to assignments for other subjects, outside of music technology, as follows:-

- An exchange on 21 February 2021, in which Pupil B had sought assistance on writing essays for a different subject:-
  - Mr Wills at 09:57: “Hey – sorry for the delay”, and “killer essay – really like it”;
  - Pupil B at 09:58: “THANK YOU”, “YOU ARE TOO KINDDDDD”, “I HAVE PUT WHAT YOU WROTE IN THE COMMENTS IN THE ESSAYYYYYYY”, and “made it all smart sounding”;
  - Pupil B at 10:04: “ive got like 3 more to write today”, and “no idea what to do about this one. I HAVE NO IDEA WHAY PARADISE LOST IS ABOUTTTTTT”. Pupil B also sends an attachment, which is a Word Document titled “Paradise Lost Book IX lines 99...”;
  - Mr Wills at 10:06: “Just talk about Satanic reason” ... “You could also argue that the character development, and particularly his downfall is one of the main reasons he’s a sympathetic character”. This is followed by a series of messages from Mr Wills suggesting content for Pupil B’s essay, such as: “You could make a really interesting argument for Milton being a misogynist.”
  - Pupil B at 10:46: “okay epiccc i am going to copy everything you just said pahahaha” and “thank you!”;
  - Mr Wills at 10:46: “what’s your other essay?”;
  - Pupil B at 10:47: “just emailed you the one i’m doing nowwww”, “you might like this one actually it’s king learr”;
  - Pupil B at 11:38: “did u just write”, “the whole essay?!!!”, and “ur so fast”; and
  - Mr Wills at 11:38: “I mean – only if you like it:)”.



- An exchange commencing on 21 April 2021, in which Pupil B had sought Mr Wills' assistance in relation to a poetry exercise for a different subject:
  - Pupil B at 22:53: "DALEEEEEEEE", "Can I grab your help on something?", "I just wrote these two poems", "they're due tomorrow morning", "can you read them for me and make them not shitt??"; and
  - A series of messages from Mr Wills, on 22 April 2021 at 06:38, in which Mr Wills sent an amended poem back to Pupil B, and also stated: "Made the scansion flow a bit more smoothly, and grabbed some typos".
- An exchange on 9 May 2021, in which Mr Wills appears to have completed an essay for Pupil B:
  - Pupil B at 15:34: "dale", "you have written", "so much", "wtf", "how do you do that";
  - Mr Wills at 15:34: "Urm...I was just following your plan [smiley face emoji]", "Hope you agree with it all!";
  - Pupil B at 15:34: "no you weren't my plan was terrible ahahaha", "big difference between the amazing essay you wrote and my shitty plan", "I feel so bad that you've done all this"; and
  - Mr Wills at 15:36: "Haha – so I think it just needs another example, a bit of antithesis and a conclusion".

In oral evidence, Mr Wills accepted that he provided assistance to students, but that this would be by way of suggesting ideas, only to guide them, rather than to complete the work for them. Mr Wills stated that he knew that there would be no value in him completing assignments on behalf of students. However, Mr Wills accepted that whilst he was open to the idea of offering students academic assistance on subjects that he did not teach, he recognised that he may have gone too far in some of that assistance. Mr Wills also acknowledged that his enthusiasm had gone too far, and that he had crossed boundaries as a result of this. Mr Wills stated that it was not his intention to take anything away from Pupil B's experience, but accepted that this could have had serious ramifications for Pupil B.

Witness A described Mr Wills' actions as "deeply problematic", as it was not just dishonest on Mr Wills' part, but it also encouraged dishonesty in pupils which is unacceptable to the College and the profession. Witness A also stated that Mr Wills' actions were contrary to Pupil B's best interests, particularly as pupils were supposed to receive feedback on their work to help them learn and improve.

The panel found that on the balance of probabilities, it was more likely than not that Mr Wills completed one or more assignments for Pupil B.

The panel found Mr Wills' actions to be deeply concerning and inappropriate, and that they constituted a failure to maintain professional boundaries. The panel also noted the

impact that this would have on Pupil B, which was that their teachers would not know their true academic ability and would be unable to put a structure in place that was suited to his specific academic needs. The panel also noted that Mr Wills' actions undermined other teachers at the College and demonstrated a lack of teamwork and respect for his professional colleagues. The panel found Mr Wills' actions to be harmful to Pupil B's academic progress, particularly around exam time, as he was depriving Pupil B of the opportunity to independently develop their own skills that they would need going forward. Additionally, it was a clear breach of the expectations of the educational offer that parents had of the College.

The panel also noted the impact that Mr Wills' actions had on other pupils, as Mr Wills had appeared to demonstrate a high level of favouritism towards certain students. The panel noted that Mr Wills' behaviour in this regard did not go unnoticed by other pupils. In particular, Pupil F had agreed that there appeared to be a clique atmosphere in Mr Wills' classroom. Pupils C and D had also disclosed that the music department felt like a "cult environment", where if you were not one of the "posse" then you did not feel welcome.

The panel found that Mr Wills' actions set a harmful precedent for Pupil B, who appeared to depend upon Mr Wills for academic assistance on a regular basis. The panel found it particularly concerning that Mr Wills would sometimes complete Pupil B's work for them on his own accord, without being asked by Pupil B. The panel found that these actions further breached the professional boundary between Mr Wills and Pupil B.

The panel found this allegation proven.

- 4 You failed to maintain professional boundaries with Pupil G, by;**
- a. sending one or more Microsoft Teams messages to Pupil G making inappropriate comments to the effect of;**
- i. "crap boi" on or around 4 December 2020;**
- ii. "badass" on or around 23 March 2021;**

These allegations were admitted.

The panel had sight of messages exchanged between Mr Wills and Pupil G via Microsoft Teams, which included the following:

- A message from Mr Wills to Pupil G on 4 December 2020 at 13:49, which stated: "Awww crap boi – didn't mean to get rid of you!"; and
- A message from Mr Wills to Pupil G on 23 March 2021 at 22:11, which stated: "Just in case you ever need proof that you're completely badass [winking face emoji]", which was accompanied by a link to a meme on Twitter.

Mr Wills accepted that he had used this language in his messages with Pupil G. Mr Wills explained that "crap boi" was a term used in the context of hip hop, meaning "sorry for you". Mr Wills accepted that this language fell short of the professional standards.

Mr Wills also explained that “badass” was meant as a positive indicator, in order to make Pupil G feel better, advising the panel that [REDACTED].

Mr Wills accepted that it was inappropriate to use both terms towards a pupil.

In his testimony, Witness A explained that when they saw these messages, they felt that they were lower level concerns, and they did not see the language used as a significant issue but did highlight that it indicated a “blurring of boundaries” in the teacher-pupil relationship. Witness A confirmed that they would not use those phrases [REDACTED], as they did not model the language expected of staff at the College.

Having found that Mr Wills did send these messages to Pupil G, the panel agreed that the language used by Mr Wills was inappropriate for a teacher-pupil relationship. Given the wider evidence available to it, the panel found that the language was too familiar and blurred the professional boundaries that should exist between a teacher and a pupil.

The panel found this allegation proven.

#### **4. You failed to maintain professional boundaries with Pupil G, by;**

##### **b. permitting Pupil G to place his head on your lap;**

This allegation was denied.

Witness B explained that they had gone to Mr Wills’ classroom, and upon entering the room, he saw Pupil G laid down on the sofa, with their head on Mr Wills’ lap facing outward. Witness B stated that they had a clear view of the room and they were 100% sure of what they saw. Witness B explained that Pupil B and Pupil G were present, and that Pupil H may have been present but they could not recall from memory.

Witness B explained that Mr Wills had then stood up once they had entered the room, which in their view meant that Pupil G must also have moved. Witness B stated that they were shocked, and that they [REDACTED]. Witness B recalled that there was an emotion in the room, and there appeared to be an element of consoling, but they did not know for sure what was going on before they entered.

Witness B stated that they spoke to Teacher C about what they saw, and also referred it to Teacher A. Witness B stated that Teacher A referred to Pupil G being in some form of [REDACTED]. Witness B explained that they knew Pupil G was experiencing [REDACTED] and that their Housemaster was also aware of these matters.

Witness B explained that they also reported the incident to Witness A on 7 July 2021, during the telephone call about the vaping incident. The panel had sight of the note of the telephone call, taken by Witness A, which was included in the College’s investigation report. In the note, Witness B is recorded as having reported that:

- “During a visit to the music technology classroom in this half term ([Witness B] noted that this could have been in the last four weeks but could not confirm), they arrived to find [Mr Wills], [Pupil B] and [Pupil G] in the room along with one other, who [Witness B] could not remember.
- [Mr Wills] was sat on one of the sofas in the room.
- [Pupil G] was laid on the same sofa, with their head in [Mr Wills]’ lap, facing outwards (in the same direction as [Mr Wills]).
- When [Witness B] entered the room, they all moved, and appeared embarrassed.
- [Witness B] reported feeling uncomfortable. They then went to report the incident to [Teacher A].”

The panel also had sight of the note of a telephone call between Witness A and Teacher A on the same date, taken by Witness A, which was also included in the College’s investigation report. In the note, Witness A is recorded as referring to a “revelation from [Witness B] concerning [Pupil G] and close physical proximity.” Teacher A stated that this “had been revealed in passing by Witness B”, and that Witness B and Teacher C had described it as “finding them draped all over one another”. During the hearing, Witness B stated that they would not use this language, but in their view it was the type of language used by Teacher C.

The panel noted that it did not hear oral evidence from any of the pupils that were in the room during the incident. However, the panel found Witness B to be a credible witness, particularly as their testimony was consistent with their account provided to Witness A during the College’s investigation, and also with their statement in the evidence bundle.

The panel accepted that the note of Witness A’s conversation with Teacher A was hearsay, and decided to admit it on the basis that it was relevant to the allegation, given the differing accounts. However, the panel applied less weight to it than to the oral evidence of Witness B, and found that in any event, Witness B’s evidence was key to this allegation.

Mr Wills denied permitting Pupil G to place his head on his lap. Mr Wills explained to the panel that Pupil G had been experiencing personal difficulties, [REDACTED]. Mr Wills explained that on the day of the alleged incident, Pupil G came to his classroom, in what he described as a “[REDACTED]”, and that Pupil G was clearly [REDACTED]. Mr Wills stated that Pupil G was disclosing [REDACTED] that they were experiencing to him. Mr Wills also indicated that he believed the information disclosed to him was already recorded in Pupil G’s safeguarding file. Mr Wills explained that during the conversation, Pupil G became [REDACTED] and “collapsed” on him whilst upset. Mr Wills stated that he was sitting on the sofa, and that Pupil G landed halfway between his hip and his knee. Mr Wills explained that Pupil G was in this position for around 15 seconds, before he took hold of the student by the shoulders, put him back in the upright position, and turned to face him to allow the conversation to continue. Mr Wills stated that the other pupils that

were present, Pupils B and H, then took Pupil G off to dinner. Mr Wills stated that he did not know why Witness B gave a different version of events.

During his oral evidence, Mr Wills stated that “everyone in the room thought that what happened was regrettable, but unavoidable”, and he believed there was “no indication that anyone thought it was more”. Mr Wills also explained that he did not feel that he had to approach Witness B to explain this or to contextualise the incident, as he was more concerned about Pupil G’s [REDACTED].

In Mr Wills’ written representations in the evidence bundle, he stated that “On reflection, I realise that I should have self-reported this incident, however neither I nor any of the students in the room felt that the act of physical contact was in any way inappropriate or otherwise indicative of anything other than [Pupil G’s] [REDACTED].” At the hearing, Mr Wills also stated that he was aware he should have self-reported this incident.

However, Mr Wills also informed the panel that he was later reminded by Pupil B (after the incident) that he had sent an email to Pupil G’s Housemaster, informing him of the incident. In support of this, Mr Wills referred the panel to a witness statement that was provided by Pupil B during separate proceedings between Mr Wills and the College. Within this witness statement, Pupil B referred to an email sent by Mr Wills to Pupil G’s Housemaster “in order to raise concerns for [Pupil G’s] [REDACTED], after [Pupil G] had collapsed into [Mr Wills’] arms [REDACTED].” The panel noted that it did not have sight of the email referred to by Mr Wills and Pupil B. Mr Wills explained that following his departure from the College, he was “denied access” to his email account, and so he could not obtain a copy of this email.

The panel also noted that Pupil H, who was present during the alleged incident, provided a witness statement in support of Mr Wills during the same set of separate proceedings between Mr Wills and the College. Within this statement, Pupil H stated that Pupil G “got upset and fell down in a heap.”

The panel decided to admit the statements of Pupil B and Pupil G as hearsay, as they were relevant to this allegation, particularly as there were differing accounts. However, as this evidence could not be properly tested, the panel applied less weight to it than that of Witness B, who was present to give evidence at the hearing.

The panel noted that Mr Wills’ oral testimony was inconsistent with his account of the events that he gave during his interview with the College on 15 July 2021. The panel had sight of the notes of this interview, as they were in the College’s investigation report. The note recorded Mr Wills as having reported as follows:-

“... [Mr Wills] said that he had wanted to gently take him by the shoulders to assist him back to a sitting position but that this had not worked initially. He had then allowed [Pupil G] to remain with his head in his lap as he ([Pupil G]) was going through an outpouring of emotion.”

During this discussion, Teacher B also referred to Witness B entering the classroom, and Mr Wills is recorded as saying: “[Mr Wills] recognised this was a slightly awkward situation as he was in a position of trust with [Pupil G] who had said they were unhappy.”

The panel accepted that Mr Wills did not invite this physical contact from Pupil G. However, by his own admission, Mr Wills permitted Pupil G to rest their head on his lap by not immediately readjusting his position, even though Pupil G's [REDACTED] meant that the were difficult to move.

Whilst the panel did not consider that anything physically untoward had occurred, it found that this did constitute a failure to maintain professional boundaries. In particular, the panel noted that allowing this kind of physical contact (albeit in a non-malign way), went far beyond the boundaries of a teacher-pupil relationship. The panel noted that Mr Wills' actions demonstrated that he viewed certain pupils, including Pupil G, as more of a friend rather than as a pupil.

The panel found this allegation proven.

**5. You failed to maintain professional boundaries with Pupil H, by;**

- a. sending one or more Microsoft Teams messages to Pupil H making inappropriate comments, including;**
  - i. ‘shit’ on one or more occasions;**
  - ii. “love you” on one or more occasions;**
  - iii. referring to Pupil H as ‘boi’ and/or ‘muscleboi’;**
  - iv. “I could make some pun about banging...but that would be beneath both of us” on or around 4 May 2020;**
  - v. “secksyboi” with reference to Pupil H on or around 16 July 2020;**
  - vi. “nobody fucks with my boi” on or around 6 October 2020;**
  - vii. “mate he hates senior mgnt more than I do” on or around 10 October 2020;**
  - viii. “I mean, if you just wanted to admire the abs a bit more, I’m sure we’ve got a mirror somewhere we’re not using” on or around 19 October 2020;**
  - ix. “you look like you’d fuck me up in a dark alley” on or around 27 February 2021;**
  - x. “just missing ya and want to smoke” on or around 3 March 2021;**
  - xi. “I hope you get all the love in the world today” on or around 19 March 2021;**

- xii. **“I wish I’d known that the cropped-haired lil dude who opened the door to me and [individual X] on our induction weekend was gonna become such a massive part of my life, and an even bigger part of my heart” on or around 19 March 2021;**
- xiii. **“I’ll never say anything, but the offer’s there if it helps” on or around 24 March 2021;**
- xiv. **‘fuck’ and/or ‘crap’ in or around March 2021;**
- xv. **“was it worth sacrificing your penis size” on or around 14 April 2021;**
- xvi. **“and lastly, and most importantly, you are my favourite human being. Like you make me happy just by walking into a fucking room. You got in the middle of my heart, lad. I’m such a massive fan of yours” on or around 2 May 2021;**
- xvii. **“you know you mean the world to me” on or around 2 May 2021;**
- xviii. **“you are one of those people who I hope I always know, and I never want to let go of” on or around 2 May 2021;**
- xix. **“even if ima grumpy fuck sometimes” on or around 2 May 2021;**

Mr Wills accepted that he sent all of these messages to Pupil H. The panel also had sight of the screenshots taken from Microsoft Teams, from Mr Wills to Pupil H, which included all of the messages referred to as part of the allegation.

Whilst Mr Wills accepted that the messages he had sent were inappropriate, he had asked the panel to consider these as “low level concerns”. Mr Wills explained to the panel that Teacher A, [REDACTED], was also [REDACTED]. Mr Wills explained to the panel that he had a close familial relationship with Pupil H’s [REDACTED], which meant that Mr Wills would spend time with them (including with Pupil H) in a non-work capacity. As a result, Mr Wills accepted that the boundaries had eroded over the course of time.

Mr Wills explained that the context of most of these messages were meant as a light-hearted joke, and that the messages would have been taken in the “spirit intended” by Pupil H. In particular, Mr Wills stated that the use of the term “muscleboi” was intended to be supportive as Pupil H was working very hard at the gym, but that it was also a reference to a Travis Scott lyric. Mr Wills also stated that the use of the term “secksyboi” was a reference to a Craig David lyric.

The panel found the messages to be highly inappropriate. In particular, the panel found that the use of nicknames such as “muscleboi” and “secksyboi”, regardless of whether or not they were intended as references to song lyrics demonstrated that there was a clear

breach of professional boundaries. The panel had sight of the College's code of conduct, which specifically stated that: "Staff should avoid the use of nicknames for pupils; these can inadvertently cause offence or be taken out of context and misconstrued as favouritism or lack of favour."

The panel was also concerned that some of the messages demonstrated a clear favouritism towards Pupil H, such as a message that stated, "you mean the world to me". The panel found that this clearly breached the professional boundaries that are expected of a teacher-pupil relationship. The panel also found the use of sexual innuendos to be deeply inappropriate for a conversation between a teacher and a pupil.

In addition, the panel found that messages referring to other staff members in a negative way, such as stating that a member of staff "hates senior mgmt", was clearly unprofessional. The panel found the messages to go far beyond what would be expected of a teacher-pupil conversation, and found them to be more akin to what would be expected of a conversation between 2 adult friends.

The panel was particularly concerned that one of messages involved Mr Wills stating to Pupil H that he "will never say anything", in the context of offering Pupil H support with [REDACTED] that they may have been experiencing at the time. The panel noted that this was a clear disregard of the College's safeguarding policy. In particular, the panel had sight of the College's safeguarding policy, which stated that: "Staff are bound by the terms of this Confidentiality Statement in respect of not placing themselves in the position of promising complete confidentiality ..." The panel also noted that, drawing upon their experience of the teaching profession, it is ingrained in every single teacher from the moment they start teaching that it is totally inappropriate to promise confidentiality to a student as it cannot be categorically assured.

The panel found this allegation proven.

#### **5. You failed to maintain professional boundaries with Pupil H, by;**

##### **b. agreeing to Pupil H that you would confirm he was picking up a keyboard when in fact you knew this was not the case on or around 10 October 2020;**

This allegation was admitted.

The panel had sight of the following messages sent between Mr Wills and Pupil H via Microsoft Teams on 10 October 2020:-

- Messages from Pupil H at 22:17, which stated: "Yo", "I need your help bad", "As a backup", and "If you get any emails about tonight, can u say I was picking up a midi keyboard halfway on the track in school bounds this evening";
- Responses from Mr Wills at 22:22, which stated: "Cool man, no prob" and "No emails so far";



- Messages from Pupil H at 22:22, which stated: “Ok Cheers”, “Will [staff member] do anything” and “Or is he the kind person not to care”; and
- Responses from Mr Wills at 22:30, which stated: “Nah you’re fine”, “So I left detention 8:35 – [initials] saw me leave. [staff member] was still there till 9:45” and “Hope you’re ok, lad”.

Mr Wills explained that he had no intention to lie for Pupil H, but his sole concern was Pupil H’s safety and ensuring that Pupil H got back to their boarding house safely. Mr Wills accepted that he made no enquiry as to Pupil H’s actual whereabouts or their safety. Mr Wills also accepted that agreeing to cover up for Pupil H was a safeguarding risk and was a “stupid thing to have done.”

The panel found Mr Wills’ actions to be inappropriate and potentially harmful to Pupil H. In particular, the panel noted that whilst Mr Wills stated that he was concerned for Pupil H’s safety, his actions in agreeing to cover up for Pupil H went against these concerns, as they put Pupil H at risk. The panel also found the disingenuous nature of Mr Wills’ actions to be particularly concerning, especially given that Mr Wills appeared to provide times to Pupil H in order to assist them in covering up their behaviour.

The panel also found that Mr Wills’ actions overstepped teacher-pupil boundaries. In particular, the panel found that Mr Wills agreeing to lie for Pupil H at their request without question, demonstrated a level of intimacy and over-familiarity that went far beyond that found within an expected teacher-pupil relationship. The panel also found that Mr Wills was enabling Pupil H’s subterfuge, which undermined the College and Mr Wills’ colleagues.

The panel found this allegation proven.

## **5. You failed to maintain professional boundaries with Pupil H, by;**

### **c. providing Pupil H with your home address;**

This allegation was admitted.

The panel had sight of messages sent between Mr Wills and Pupil H on 27 April 2021, via Microsoft Teams. In particular, the panel had sight of a message from Pupil H to Mr Wills at 20:08, which stated “YO YO!”, and in response to this at 20:37, Mr Wills stated “Lol”, followed by a message that stated: “[REDACTED]”. Mr Wills confirmed that this was his home address and stated that it was easy for students to work out his address, and as Pupil H was aware of where he lived, he had no problem giving Pupil H his full address.

The panel noted that Mr Wills provided conflicting reasons as to why he provided his home address to Pupil H. Firstly, Mr Wills stated that he had provided his address to Pupil H as he was visiting Mr Wills’ home for an event with [REDACTED]. However, the panel noted that according to Mr Wills, Pupil H had visited his home address

accompanied by [REDACTED] prior to April 2021, on a social occasion, and so he would have been aware of Pupil H's address.

The panel noted that, in his written response provided to Witness A as part of the College's investigation, Mr Wills stated that Pupil H was already aware of his home address, "having held a summer job at the farm adjacent to [his] residence". Mr Wills also stated that he believed that Pupil H was asking for his address prior to "[REDACTED] attending dinner" at Mr Wills' house.

However, during his oral testimony, Mr Wills also accepted it may have been very possible that Pupil H needed Mr Wills' address to order things (such as vape equipment), to be sent to Mr Wills' home. The panel noted that, on the balance of probabilities, this was more likely than not the correct reason for Mr Wills providing his address to Pupil H.

Regardless of the reason for providing his home address to Pupil H, the panel found Mr Wills' actions to be inappropriate, as they crossed the boundaries of a teacher-pupil relationship. The panel noted that Mr Wills had also breached the College's code of conduct, which stated that "Staff should not share personal information with pupils via digital means ..."

The panel noted that if Mr Wills did need to provide his home address, as Pupil H's [REDACTED] were attending dinner at his house, then the address should have been provided to Pupil H's [REDACTED], and not Pupil H.

The panel found this allegation proven.

## **5. You failed to maintain professional boundaries with Pupil H, by;**

### **d. organising to meet and/or meeting Pupil H outside the school's premises;**

This allegation was admitted insofar as the facts are admitted, however, Mr Wills denied that there was any impropriety in his meetings with Pupil H.

The panel had sight of the following messages sent between Mr Wills and Pupil H on 2 June 2021, via Microsoft Teams:

- A message from Mr Wills to Pupil H at 12:44, which stated: "yo – so [REDACTED] wanted to know if we can sneak you up for dinner on Friday (depending on what time ya back [winking face emoji])";
- A response from Pupil H to Mr Wills at 14:03, which stated: "Yhhh we could go pub after? Mwhahahahahyaga";
- A message from Mr Wills to Pupil H at 14:42, which stated: "Cuz that worked to well last time...";

- A message from Pupil H to Mr Wills at 15:48, which stated: “I need to check my train time for Friday”; and
- A message from Mr Wills to Pupil H at 15:56, which stated: “Will be awesome to see ya, lad!”.

The panel also had sight of the following messages sent between Mr Wills and Pupil H on 3 June 2021, via Microsoft Teams:

- A message from Pupil H at 20:37, which stated: “Hey man! So this is my train tomorrow” accompanied by a screenshot which showed a particular train that Pupil H intended to catch; and
- A response from Mr Wills at 20:43, which stated: “Awesome! We’ll be there – and don’t worry; it’s a lift (and some dinner and a trip to the pub:-p)”.

Mr Wills explained to the panel that he had received a request from Pupil H’s [REDACTED], who were away during the school holidays, asking Mr Wills to collect Pupil H from the train station upon their return home from a trip to London on 4 June 2021. Mr Wills explained that this request was made as the nearest train station was not within walking distance.

The panel had sight of a text message which appeared to be from Pupil H’s [REDACTED] to Mr Wills on 2 June 2021 at 10:55, which stated: “Thanks so much Dale & [REDACTED] for collecting [Pupil H] on Friday night coming back from London. We are extremely grateful xx”, followed by a response from Mr Wills at 11:25, which stated: “No problem – happy to help! Hope you’re having a great time dx”.

Mr Wills explained that he wanted to ensure that Pupil H had eaten, before taking them home. Mr Wills also stated that the reference to going to the pub was a joke, and that in any event, Mr Wills did not end up collecting Pupil H from the train station as they had decided to stay in London. However, Mr Wills accepted that the term “sneak you up for dinner” was inappropriate.

The panel noted that Mr Wills had arranged to meet Pupil H outside of school premises on multiple occasions. In particular, the panel had sight of a message sent by Mr Wills to Pupil H on 21 May 2020, at 18:53, which stated: “Keep forgetting to say, if you’re around over half term, and up for it, wanna do a proper jam sesh? We could even fire up the barbecue afterwards....:). In response to this message, at 19:03, Pupil H stated: “omds yes!!!”.

The panel also had sight of a message sent by Mr Wills to Pupil H on 23 October 2020, at 14:14, which stated: “BTW – what’s the plan for the weekend? Do we get to have you for dinner? Got a sick healthy dessert recipe, if you’re still doing the health kick”. In response to this message, on 24 October 2020 at 08:13, Pupil H stated: “and yes defo need to have dinner, Sunday or Monday?”.

The panel had sight of the College's code of conduct, which stated that "Pupils should not be invited into the private homes of members of staff, (or the private areas of residential staff accommodation), whether provided by the College or not, unless the reason for doing so has been clearly established in advance and agreed with Housemasters/Housemistresses." The panel found that Mr Wills' actions were clearly contrary to this policy. In particular, the panel noted that it did not have sight of any evidence to suggest that either the College or Pupil H's parents were aware of and had sanctioned these specific arrangements (except for the proposed arrangements on 4 June 2021).

The panel found that Mr Wills did arrange to meet Pupil H outside of the school premises, including at his own home, on multiple occasions. The panel found this behaviour to be inappropriate, particularly given the close nature of the relationship between Mr Wills and Pupil H, which had already blurred professional boundaries.

The panel found this allegation proven.

#### **5. You failed to maintain professional boundaries with Pupil H, by;**

##### **e. completing one or more assignments for Pupil H and/or Pupil H's friend;**

This allegation was admitted.

The panel had sight of multiple exchanges between Mr Wills and Pupil H via Microsoft Teams, in which Mr Wills appeared to complete assignments for Pupil H.

In particular, the panel had sight of messages sent by Mr Wills to Pupil H on 9 January 2021 at 19:58, which stated: "Hey – I've got to hand in your EPQ stuff on Monday for first check-in. If you get a chance, could you cast your eye over this, and let me know if you're happy with it, please?" and "(Sorry if you've already got these down – couldn't see them on OneDrive!)". The messages were accompanied by 2 Word Documents, with the titles: "Project Activity Log [Pupil H's initials] and "Bibliography dB".

In response to this message, Pupil H sent a series of messages at 20:08, which included the following:-

- "Oh my days you actually did it for me, wtf..."
- "You are literally the best person on this planet..."
- "Fuck me, you are genuinely the kindest person I know... THANK YOU SO SO MUCH"

In particular, the panel had sight of the following exchange on 18 January 2021:

- Mr Wills at 11:43: "Right, so tell me more about this essay we're writing";
- Pupil H at 15:11: "Which one the oasis one?";

- Mr Wills at 15:11: “Yeah!”, “Word limit – any performance indicators – bibliography – that kinda shizz”; and
- Pupil H at 15:12: “Sick I’m just working out rn but I’ll check for ya [smiley face emoji]”.

The panel also had sight of a message sent by Mr Wills to Pupil H on 11 February 2021 at 20:12, which stated: “Hope this is ok”. The message is accompanied by an attachment of a Word Document, which is titled “Beatles Esssay [Pupil H]”. In response to this, at 20:17, Pupil H sent the following messages: “You are jesus”, “no caps”, “thank you so much” and “you are amazing”.

The panel also had sight of a message sent by Pupil H to Mr Wills on 24 February 2021 at 22:28: “yo so just this, Should people have autonomy over their own lives and decisions? only has to be like 600 words [smiley face emoji] LOVE YOU MAN!!!”. In response to this message, on 25 February 2021 at 07:08, Mr Wills sends a completed essay to Pupil H.

Further, the panel had sight of an exchange on 17 April 2021, in which Pupil H sent the following messages at 16:51:

- “YO DALE”
- “NEED URGENT HELP”
- “I’ve just been givin a shit load of prep from legit all my teachers today, french drama and phil”
- “could you do me a massive favour”
- “could you write this for me? it’s not an essay its more like a small 500 word answer?”
- “thatwoudl be so amazing if you could”
- “Is there a difference between Acts and Omissions when it comes to Euthanasia?”

At 17:57, Mr Wills responds by sending what appears to be an essay title, which states: “IS THERE A DIFFERENCE BETWEEN ACTS AND OMISSIONS WHEN IT COMES TO EUTHANSIA?”. The panel noted that it did not have sight of the remainder of the message, but found it was more likely than not that this message was preamble to Mr Wills providing the whole essay.

Mr Wills accepted that he gone to greater lengths than would be expected or appropriate, in providing this academic assistance to Pupil H. Mr Wills also stated that whilst he genuinely thought that he was being helpful at the time, he realised in retrospect that his actions were a serious misjudgement and were to the detriment of Pupil H. The panel was particularly concerned in this instance that Mr Wills had referred to the “essay we’re writing”. In addition, the panel noted that Mr Wills had approached Pupil H to offer his assistance with regards to an essay for a separate subject, without being asked by Pupil

H in the first instance, as Pupil H was in the gym at the time. The panel found this to be very inappropriate, and it clearly demonstrated the nature of the inappropriately close relationship that had developed between Mr Wills and Pupil H.

The panel also had sight of an exchange between Mr Wills and Pupil H via Microsoft Teams on 9 December 2020, in which Mr Wills appeared to complete an assignment for Pupil H's [REDACTED], Pupil L. In particular, at 20:27, Mr Wills sent 2 documents to Pupil H, which were titled "[PUPIL L NAME]GCSE". Mr Wills also sent a message, that stated: "Draft one – get yourself some [REDACTED] points". In response to this, at 20:33, Pupil H stated: "Mate", "I fucking love you", "Thank you", "Ur the best".

Mr Wills explained that in this instance, he had simply transcribed Pupil L's own work into a score in order to comply with the specification for Pupil L's GCSE. Mr Wills explained that he had previously performed the same operation for other students at the request of the Head of Department, and that this was a legitimate request from Pupil L. However, Mr Wills also acknowledged that it was not appropriate to interact with Pupil H in respect of Pupil L's work, and that he should have interacted with Pupil L directly. Mr Wills also accepted that he had provided Pupil L's work to Pupil H so that Pupil H would look good in front of their [REDACTED], and that this was wholly inappropriate. Mr Wills accepted that the assistance provided to Pupil L was not provided in the standard way that would be expected of teachers.

The panel found Mr Wills' actions to be inappropriate, particularly as Mr Wills had sent another student's work to Pupil H, with the intent for it to be passed on to Pupil L and presented as their own work. The panel also found the reference to "[REDACTED] points" to be completely inappropriate in the context of a teacher-pupil relationship. The panel found that Mr Wills was ingratiating himself into Pupil H's social circle, which was completely breaching the professional boundaries between them.

The panel found this allegation proven.

## **5. You failed to maintain professional boundaries with Pupil H, by;**

### **f. agreeing to purchase Pupil H and/or providing Pupil H with cigarettes and/or vape products;**

This allegation was admitted.

The panel had sight of the following exchanges between Mr Wills and Pupil H, via Microsoft Teams, including:

- An exchange starting on 12 June 2020, in which Mr Wills agreed to provide vape equipment to Pupil H, as follows:
  - Pupil H at 23:20: "Yo! When do you think I could possibly get that 50 mg lic? Xxxxx"; and

- Mr Wills on 13 June 2020, at 05:14: “Soooo demanding [winking face emoji] I’ll pop down this morning”.
- An exchange on 28 November 2020, in which Mr Wills agreed to order vape equipment for Pupil H, as follows:
  - Pupil H at 12:22: “Yo could you order this for me please? I’ll then make it up to how much I owe you, don’t forget I already owe you 10” accompanied by a link to a vape product titled “Smok Nord 2 Start Kid Mod POD...”; and
  - Mr Wills at 12:48: “Done and done- should be with you early next week. Hope that’s cool”.
- An exchange on 7 March 2021, in which Mr Wills agreed to order a new “tonk” (which is a term used for a vape), as follows:
  - Pupil B at 18:33: “Could a get a new tonk? My ones just broke :/”;
  - Mr Wills at 18:47: “Fuuuuuck”, “That’s really annoying.”, “I’ll prime it tonight”;
  - Pupil B at 19:56: “cheers mate, could i get this”, which is accompanied by a link to a specific vape;
  - Mr Wills at 19:59: “Wow – arriving tomorrow [smiley face emoji]”;
  - Pupil H at 21:10: “thanks so much how much do i owe you?”; and
  - Mr Wills at 21:46: “£16 and your immortal soul...”.
- An exchange on 20 March 2021, in which Mr Wills and Pupil H are discussing the delivery of vape juice, as follows:
  - Pupil H at 16:06: “Also did you manage to pick up the juice, Nws if not [smiley face emoji]”; and
  - Mr Wills at 16:07: “Hasn’t been delivered yet (seriously – don’t know why you guys use that company!) Could drop security an email to ask if you can grab it, if you like? Should just be in DPD packaging.”

Mr Wills accepted that his actions demonstrated a failure of his duties as a teacher, and he advised that he was deeply upset that he may have caused harm through his lack of judgment. Mr Wills accepted that he failed to safeguard Pupil H and observe appropriate boundaries, and explained that he had developed a “family friend” relationship with Pupil H and their family. Mr Wills also explained that he was a new teacher with a limited experience of these dynamics, which were very different to any other profession.

The panel found Mr Wills’ actions to be very inappropriate, as they were harmful to Pupil H’s [REDACTED]. The panel noted that Mr Wills had provided vape equipment to Pupil H on multiple occasions, and that this was facilitating Pupil H’s behaviour. The panel also noted that by having this arrangement with Pupil H, Mr Wills was further breaching the boundaries of a teacher-pupil relationship. The panel found that Mr Wills’ actions also undermined the authority of both Pupil H’s parents and the College.

The panel found this allegation proven.

## **5. You failed to maintain professional boundaries with Pupil H, by;**

### **h. discussing Pupil H's relationships;**

This allegation was admitted.

The panel had sight of the following messages that were exchanged between Mr Wills and Pupil H, via Microsoft Teams, on 7 May 2020:

- Pupil H (unknown time): "I have a [REDACTED]";
- Mr Wills at 10:14: "LOL – a new one?!?";
- Pupil H at 10:14: "Oh no no no hahahaha" and "Not yet ..."; and
- Mr Wills at 10:16: "Was gonna say – that's fast work" "Especially digitally" and "Or have you just been 'swiping right'? [smiley face emoji]".

Mr Wills stated that this was a "silly exchange" but he accepted that the tenor of the conversation is inappropriate and lacks a certain degree of professionalism. Mr Wills also stated that it was "understood and intended as a complete joke".

The panel found that Mr Wills failed to maintain professional boundaries. In particular, the panel noted that the conversation was akin to a personal conversation between friends, as opposed to a teacher-pupil conversation. The panel noted that Mr Wills was normalising having adult conversations with a pupil, and that this was not acceptable. The panel also noted that this exchange was contrary to the College's code of conduct, which stated: "Staff should avoid discussion of their private and personal relationships, including sexual relationships with, or in the presence of pupils, or via any means. Nor should they discuss a pupil's private, personal or sexual relationships in inappropriate settings or contexts."

The panel found this allegation proven.

## **6. You failed to safeguard Pupil B and/or placed Pupil B at risk by not reporting to the school that Pupil B may have consumed cannabis on or around 8 December 2020.**

This allegation was denied.

The panel had sight of the following exchange of messages between Mr Wills and Pupil H, via Microsoft Teams, on 8 December 2020:

- Pupil H at 21:48, which stated: "head feels okay but i am seeing a lot of weird stuff" and "think that's the weed tho"; and
- Mr Wills at 21:48, in response: "YOU PR!CK", "Was genuinely scared there!!!!", and "Glad you're feeling ok".



Mr Wills explained that earlier in the day, Pupil H had banged their head going down the stairs, and had been complaining about the pain. As a result, Mr Wills stated that he insisted that Pupil H went to the sanatorium. Mr Wills explained that he was genuinely scared when he saw Pupil H's first message, due to their injury. Mr Wills stated that he had no genuine concern that Pupil H had engaged in drug use, given the times of the messages and knowing their movements around the College. Mr Wills also stated that he knew the student, and knew he would not have partaken in cannabis use. Mr Wills explained that Pupil H was quite "anti-drug", and that it was quite normal for teenagers to make jokes about alcohol and drugs. Mr Wills stated that he made a judgment call that it was not a concern, as he had no reasonable belief that Pupil H had engaged in cannabis use.

The panel considered that, in light of Mr Wills' role as a teacher, it was not for Mr Wills to make a judgment about whether or not Pupil H was joking about having engaged in cannabis use. The panel also found that, the reference to "weed" by Pupil H was so out of place, that it should have raised an immediate safeguarding concern. The panel found that, even if there was a chance that Pupil H was joking, Mr Wills should have reported it and by neglecting to do so, Mr Wills failed to safeguard Pupil H and/or placed Pupil H at risk.

The panel found this allegation proven.

The panel found the following particulars of the allegations against you not proved, for these reasons:

**1. You engaged in inappropriate behaviour, by;**

**d. consuming alcohol outside of the school's premises with one or more pupils;**

This allegation was not admitted.

The panel had sight of a video in which Pupil H was in Mr Wills' garden, in the presence of Mr Wills and [REDACTED]. Mr Wills explained that ahead of the release of Pupil H's first EP, he wanted to record a music video, and did so in Mr Wills' garden. In this video, Pupil H can be seen drinking from what appears to be a bottle of beer, with the label removed. In the video, Mr Wills can be heard stating to Pupil H: "drink beer, look cool".

Mr Wills explained that the bottles did not contain beer, as they had been emptied and replaced with water to use as a prop for the music video. Mr Wills explained that the purpose of his direction to Pupil H was for them to act as though they was drinking beer. Mr Wills stated that Pupil H could not have consumed alcohol for the music video, as if it was real alcohol, the video would have been struck from the platforms that it was posted on.

The panel found that it was not possible to tell from the video whether there was alcohol in the bottle that Pupil H was drinking from.

With regard to consuming alcohol with Pupil H, Mr Wills explained that he had gone to dinner with Pupil H's [REDACTED] outside of school time, when Pupil H had been present. Mr Wills admitted that Pupil H did consume alcohol on those occasions, but that the alcohol consumption was facilitated and supervised by Pupil H's [REDACTED].

The panel noted that there was insufficient evidence to demonstrate that Mr Wills had consumed alcohol with one or more pupils, outside of the school's premises, other than in acceptable scenarios such as in the presence of Pupil H's family, or during College-hosted events. The panel noted from Witness A's evidence that during certain events hosted by the College, students would be permitted to drink a small amount of alcohol.

The panel found this allegation not proven.

### **3. You failed to maintain professional boundaries with Pupil B, by:**

#### **b. encouraging Pupil B to purchase alcohol and/or providing Pupil B with a form of identification to use to purchase alcohol in or around 2020;**

This allegation was not admitted.

The panel had sight of messages exchanged between Mr Wills and Pupil B on 22 December 2020, via Microsoft Teams. Within these messages, Mr Wills discussed ordering music equipment for Pupil B to use, which would be purchased using the College's budget. As part of this discussion, at 11:53, Pupil B stated: "how much is it costing". At 11:53, Mr Wills responded: "I can bring the whole thing in with delivery for under £100", "Now personally, I'd prefer that you spend that money on gear", "Or plugin", and "Or beer".

The panel did not find Mr Wills' reference to spending money on beer to be a serious encouragement in this instance. The panel instead found that it was a throwaway comment, and that there was insufficient evidence to prove that Mr Wills did encourage Pupil B to purchase alcohol.

The panel also had sight of a message sent by Mr Wills to Pupil B via Microsoft Teams, on 9 November 2020, at 13:37 which stated: "Your magic card is here btw [smiley face emoji]". Mr Wills explained that in this message he was referring to Pupil B's College ID card, that Pupil B had misplaced, as opposed to a fake ID. Mr Wills denied that he had ever provided Pupil B with a form of identification to use to purchase alcohol.

The panel found there was a possibility that the "magic card" referred to by Mr Wills was Pupil B's College ID. The panel also found that there was insufficient evidence to show that Mr Wills provided Pupil B with a form of identification to purchase alcohol.

The panel found this allegation not proven.

**3. You failed to maintain professional boundaries with Pupil B, by;**

**h. suggesting he would purchase a wifi booster for Pupil B's birthday on or around 2 June 2021;**

The panel had sight of a message sent to Pupil B by Mr Wills via Microsoft Teams, on 2 June 2021 at 10:29, which stated: "Grrrr! You're getting a wifi booster for your next birthday".

Mr Wills accepted that he sent this message to Pupil B, but stated that it was meant in a "jokey way" and that it was "received in that way".

Whilst the panel found that factually, Mr Wills did send this message to Pupil B, the panel did not find that it was a failure to maintain professional boundaries as it was expressed in response to Pupil B's internet connection, which appeared to be unreliable. In particular, the panel noted that there was no offer to purchase the wifi booster for Pupil B, and the comment was framed in an offhand way, as a joke.

The panel found this allegation not proven.

**5. You failed to maintain professional boundaries with Pupil H, by;**

**g. providing Pupil H with alcohol;**

This allegation was not admitted.

The panel had sight of the following messages exchanged between Mr Wills and Pupil H on 8 December 2020, via Microsoft Teams:

- A message from Pupil H at 18:38, which stated: "I get where your coming from, just think about the toffee vodka at the finish line [winking face emoji]";
- A message from Mr Wills at 19:12, which stated: "Hehe – hope the portfolio isn't a lil bitchard tonight. I'll have the toffee stuff ready for Friday"; and
- A response from Pupil H at 19:32, which stated: "Omds I need some of that shit can't wait!!!".

The panel also had sight of the following messages exchanged between Mr Wills and Pupil H on 29 December 2020, via Microsoft Teams:

- A message from Pupil H at 20:19, which stated: "I've almost finished your toffe vodka by myself in one day, so, so good!!"; and
- A response from Mr Wills at 21:31, which stated: "... Glad the vodka was ok [smiley face emoji]".

Mr Wills explained that [REDACTED] had made homemade liqueurs, including toffee vodka, which they had gifted to Pupil H's [REDACTED] a few days before Christmas. Mr Wills stated that it had been given directly to [REDACTED] on a social visit to his home. Mr Wills also stated that he never had any intention for the gift to be made to the student, and that it was clearly made to Pupil H's [REDACTED]. Mr Wills also stated that he felt that if a [REDACTED] chose to allow their child to consume alcohol over Christmas in their own home, then that was not a matter for Mr Wills' concern.

The panel noted that there was no reference to Mr Wills providing the alcohol directly to Pupil H. The panel also noted that, whilst Mr Wills and Pupil H were discussing Pupil H consuming the alcohol, and Mr Wills should have treated this as a safeguarding concern, there was insufficient evidence for the panel to conclude that Mr Wills did provide alcohol to Pupil H.

The panel found this allegation not 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".

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

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

The panel was satisfied that the conduct of Mr Wills in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). In particular, the panel considered that Mr Wills failed to act in the best interests of pupils, and failed to take immediate action and refer safeguarding concerns that had arisen in respect of Pupils B, H and G. For example, by failing to report concerns that had been raised by Pupil G, and allowing Pupils B and H to remain present whilst Pupil G made a disclosure that raised a safeguarding concern, Mr Wills did not have a regard for safeguarding. Mr Wills’ actions also were contrary to the College’s code of conduct, which states that “confidential information should not be discussed casually in places or at times where confidentiality could be compromised, such as the Norwood Hall, classrooms ...”

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

The panel also considered whether Mr Wills’ conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences were 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 allegations 3, 4, 5 and 6 took place outside of the education setting. In particular, the panel noted that Mr Wills was communicating with pupils at all times of the day and night, contrary to the College’s code of conduct which stated that: “the end of prep (9pm) should be regarded as the latest time by which digital or electronic contact from a member of staff to a pupil can be reasonably sent.”

The panel also noted that many of the topics of conversation and the language used by Mr Wills was entirely inappropriate in the context of a teacher-pupil relationship, as they included topics such as personal relationships, violence, drug and alcohol use. The panel found that, through these communications, Mr Wills had developed and furthered a friendship with Pupils B and H, which was a clear failure to maintain professional boundaries, as Mr Wills had ingrained himself into the pupils’ lives. The panel found that this conduct affected the way Mr Wills fulfilled his teaching role at the College, as he was singling out certain students, by way of giving a gift, purchasing vapes on their behalf and also providing significant additional academic assistance to them, including in other subject areas, above and beyond his own teaching role. The panel also found that Mr Wills’ conduct did lead to pupils being influenced by his behaviour in a harmful way, as Mr Wills had encouraged the pupils to engage in poor behaviour, such as vaping, and had also enabled them to act dishonestly towards other members of staff, parents and in contravention of the College’s policies.

The panel considered whether Mr Wills’ actions, as found proved, were “low level” concerns. The panel found that the allegations were not isolated incidents. In particular,

the panel found that Mr Wills had engaged in a series of repeated behaviours, and exhibited a pattern of behaviour which was potentially harmful to pupils. The panel noted Witness A's comment that there had been over 7,000 Microsoft Teams messages between Mr Wills and Pupils B and H. The panel also noted that Mr Wills' conduct took place over a prolonged period of time, and that the intensity of his communications with Pupils B and H had increased over this time. The panel noted that whilst Mr Wills did not intend to cause any harm to pupils, he knew that he was acting contrary to the College's policies, and his actions did place pupils at risk of harm on several occasions.

The panel also found that there was a clear abuse of a position of trust by Mr Wills, as the pupils often found themselves in a position where they were in Mr Wills' debt, and developed a dependency on Mr Wills. The panel found that whilst Mr Wills did not, for example, provide additional academic support to these students for this particular reason, in doing so, he had gained a social capital amongst the students. The panel noted that there must be a distinction between teachers and pupils, that teachers and pupils cannot under any circumstances be friends, and that Mr Wills did not respect that boundary at all.

Accordingly, the panel was satisfied that Mr Wills 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 Wills' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences were 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.

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 Wills' conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of particulars of allegations 1 (excluding allegation 1(d)), 2, 3 (excluding allegations 3(b) and 3(h)), 4, 5 (excluding allegation 5(g)) and 6, the panel further found that Mr Wills' 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Wills 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 well-being 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 the light of the panel's serious findings against Mr Wills, which involved substantial failures to maintain professional boundaries with children, facilitating and permitting pupils to vape, and multiple failures to safeguard pupils, there was a strong public interest consideration in respect of the safeguarding and well-being of pupils.

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

Whilst there is evidence that Mr Wills had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Wills 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:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils);
- failure to act on evidence that indicated a child's welfare may have been at risk, eg, failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE)
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including: any activity that involves knowingly substantiating another person's statements where they are known to be false; failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions; encouraging others to break rules; lying to prevent the identification of wrongdoing.

The panel also attached a significant amount of weight and seriousness to Mr Wills' online misconduct, after making findings that Mr Wills had sent inappropriate messages via Microsoft Teams to Pupils B and H. In particular, the panel found that Mr Wills had engaged in substantial inappropriate communications with pupils, which increased in intensity over time, and included messages that had been sent very late at night and during school holidays. The panel also found the content of the messages to be highly concerning and inappropriate, as they contained amongst other things: swear words, discussions of alcohol and reference to drug use, and reference to committing violence



against other staff members. The panel found these behaviours to be highly incompatible with being a teacher.

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 the mitigation offered by the teacher and/or whether there were mitigating circumstances.

Mr Wills' actions were deliberate. There was no evidence to suggest that Mr Wills was acting under extreme duress, eg a physical threat or significant intimidation.

The panel noted that there was no evidence that Mr Wills was previously subject to TRA disciplinary proceedings.

The panel heard oral evidence in mitigation from a current colleague of Mr Wills, [REDACTED] ("Witness C"). Witness C explained that [REDACTED] had known Mr Wills for around 20 years, and that they now worked together delivering musical theatre courses to adults. Witness C explained that [REDACTED] had witnessed Mr Wills deliver lectures and work with students and artists independently, both in a group and one-to-one setting. Witness C explained that Mr Wills is empathetic, is a good listener and has an ability to put students who appear to be insecure at ease very quickly. Witness C also stated that in their experience, Mr Wills is an extremely intelligent musician, has brought a wealth of knowledge to students, is dedicated and has always dealt particularly well with stressed or vulnerable students. Witness C stated that losing Mr Wills from the teaching environment would be a "great detriment".

With regard to safeguarding and professional boundaries, Witness C explained that it was their belief that Mr Wills takes safeguarding extremely seriously, and has adhered to every safeguarding policy within the university. In addition, Witness C stated that Mr Wills had always appeared to maintain professional boundaries with university students. However, the panel noted that Witness C's current experience of working with Mr Wills involved delivering learning to adults (including neurodiverse adults), as opposed to children. Witness C explained to the panel that the safeguarding policies and classroom practices were therefore very different, as they were not dealing with children under the age of 18, and so there was an entirely different remit. The panel noted that Witness C was also clear that he was only able to comment Mr Wills' interactions with young adults, his teaching ability at university level and his musical and academic achievements therein (for example, co-writing 2 masters level music courses). The panel considered Witness C's evidence carefully in making its recommendation, but also noted that Witness C was providing his evidence based solely on what he had understood to be the allegations and findings from Mr Wills. In particular, upon questioning the panel had heard from Witness C that he did not have sight of the full list of allegations or details of the panel's findings, and had only discussed these with Mr Wills briefly prior to giving his evidence.

The panel noted that throughout the hearing, it had heard from Mr Wills' representative that the allegations had been raised in the context of a potential wider homophobic narrative against Mr Wills. In particular, Mr Wills' representative referred to an incident where Mr Wills had been responsible for hosting a music concert at the College, and that he had decided to wear a dress to the concert, as part of a joke. Mr Wills' position was that after this incident, the College's attitude towards him had changed, as a result of what he believed to be homophobia (which was denied by the College). Whilst the panel considered these concerns carefully, it noted that it did not have sight of sufficient evidence in order to examine the alleged events in any detail, nor did it have any bearing on the findings of fact. In any event, the panel noted that it was not within its remit to examine the conduct of the College or any events outside of the allegations, and that its scope was limited to examining Mr Wills' own conduct and making findings in respect of the allegations against him.

The panel also heard representations from Mr Wills' representative in mitigation. Mr Wills' representative explained to the panel how during the Covid-19 lockdown, the College had taken a robust approach to teaching. As a result, Mr Wills had to adapt to lockdown teaching techniques whilst being relatively new to the profession and an unqualified teacher (with prior experience of only teaching at Key Stage 5 level) and that this was an "intense struggle". Mr Wills' representative stated that this contributed to the blurring of professional boundaries. Mr Wills' representative also explained that Mr Wills was placed in an unusual position where he had a social relationship with [REDACTED] and felt that he lacked an appropriate level of support or guidance.

Mr Wills' representative explained that Mr Wills had significantly contributed to the education profession, particularly in respect of queer and LGTBQ+ students. By way of example, at his previous institutions of employment, Mr Wills had helped prepare policies for gender inclusivity, had created frameworks for entering sensitive areas, and had more generally been working on making the education environment more inclusive and supportive. The panel heard how Mr Wills had a passion for teaching and providing a supportive learning environment. Mr Wills had also contributed meaningfully to his local community.

The panel had no doubt that Mr Wills was passionate, knowledgeable, talented, and had a dedication for teaching music. The panel also accepted that Mr Wills had made some very positive contributions to education, particularly in an adult-learning environment. However, in light of Mr Wills' short career, the panel did not find that he had demonstrated exceptionally high standards in both his personal and professional conduct and had contributed significantly to the education sector.

The panel did not hear oral evidence from Mr Wills in mitigation. However, during the course of giving oral evidence during the first part of the hearing, Mr Wills articulated how difficult he found engaging with this process given the history and expressed that he "cared deeply" for his students.

The panel noted it had serious concerns with regard to Mr Wills' level of insight and remorse. In Mr Wills' written response to the College's investigation dated 23 August 2021, it appeared that he initially demonstrated cognisance of the breaches in Teachers' Standards. However, his subsequent evidence was inconsistent and conflicted with this response, and his position in regards to the allegations shifted during the course of the hearing. In particular, he refused to acknowledge the seriousness of his behaviour and the potential harm caused to pupils as a result. As an example, during the hearing, Mr Wills had referred to his misconduct as "low level concerns" and questioned why they were referred to the TRA. Further, Mr Wills stated that in his communications with pupils, he had meant things as "banter" and in a "jokey way". He also failed to recognise his professional limitations in regard to safeguarding, bypassing the College's governance structures designed to protect pupils.

The panel noted from Mr Wills' representative that Mr Wills was significantly affected by the "accusations" that he had experienced, the "effects of which will never leave him". The panel found that Mr Wills appeared to only consider the impact of these allegations on himself, and did not at all consider the impact of his behaviours on pupils to be harmful, its wider impact on his professional colleagues, alongside the public perception of the profession. The panel also did not see any evidence that indicated remorse or reflection from Mr Wills. There had been no acceptance of the potential harm he had caused to students. As a result, the panel found that Mr Wills' viewpoint and stance was incompatible with teaching children.

During his submissions, Mr Wills' representative stated that these events were a catalyst for Mr Wills' personal and professional growth. He also stated that Mr Wills was able to better understand the implications of his actions and the importance of maintaining boundaries in the education sector, together with a commitment to safeguarding. However, the panel did not find that there was sufficient evidence to demonstrate the steps that Mr Wills had taken since the events to reflect upon his behaviour and to have a better understanding of the safeguarding concerns that his misconduct had raised. The panel did not find that Mr Wills had revised his view on safeguarding. Whilst the panel found that there was no malice in Mr Wills' behaviour, there was still a significant gap in insight and remorse.

### 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 Wills 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 Wills. Mr Wills' apparent lack of insight and remorse, and understanding of the safeguarding concerns that had been raised, were significant factors in forming that opinion. 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 panel found that Mr Wills clearly had the skills and ability to make a positive contribution to the education profession, and was a very talented individual in his own field. However, the panel was concerned that Mr Wills had demonstrated a lack of insight into his own actions and the impact of those actions on those other than himself, and showed limited remorse. As a result, the panel found that there was currently a serious possibility that Mr Wills would repeat his behaviours in the future. At present, the panel found that Mr Wills could not be a part of any organisation that was so carefully structured around the welfare, safeguarding and teaching of children.

However, in light of Mr Wills' ability as an educator, the panel felt that Mr Wills should be offered the opportunity to rejoin the profession in the future and to teach children, if he wished to do so. In order to do this, the panel considered that Mr Wills would need to clearly demonstrate the highest level of insight into his actions and the need to consistently maintain strict professional boundaries, if he was to continue teaching children.

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. It was the panel's recommendation that the review period be 3 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 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 some of the allegations

not proven (including allegations 1.d, 3.b, 3.h and 5.g). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Dale Wills should be the subject of a prohibition order, with a review period of 3 years.

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

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

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

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

The findings of misconduct are particularly serious as they include a finding of inappropriate behaviour, failing to maintain professional boundaries with pupils and failing to report safeguarding concerns.

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 Wills, 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, “In the light of the panel’s serious findings against Mr Wills, which involved substantial failures to maintain professional boundaries with children, facilitating and permitting pupils to vape, and multiple failures to safeguard pupils, there was a strong public interest consideration in respect of the safeguarding and well-being of pupils.” 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 that it had serious concerns with the level of insight and remorse shown by Mr Wills. The panel was concerned that “Mr Wills appeared to only consider the impact of these allegations on himself, and did not at all consider the impact of his behaviours on pupils to be harmful, its wider impact on his professional colleagues, alongside the public perception of the profession. The panel also did not see any evidence that indicated remorse or reflection from Mr Wills.” In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Wills were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of failing to maintain professional boundaries with pupils 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 Wills himself. The panel has commented, “The panel had no doubt that Mr Wills was passionate, knowledgeable, talented, and had a dedication for teaching music. The panel also accepted that Mr Wills had made some very positive contributions to education, particularly in an adult-learning environment. However, in light of Mr Wills’ short career, the panel did not find that he had demonstrated exceptionally high standards in both his personal and professional conduct and had contributed significantly to the education sector.”

The panel heard oral evidence from a current colleague of Mr Wills who attested to Mr Wills' work with students and artists and that Mr Wills appeared to adhere to safeguarding policies and maintain professional boundaries with university students. However, the panel noted that this experience of working with Mr Wills related to delivering learning to adults rather than children under the age of 18.

A prohibition order would prevent Mr Wills 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 and remorse. The panel has said that it "was concerned that Mr Wills had demonstrated a lack of insight into his own actions and the impact of those actions on those other than himself, and showed limited remorse. As a result, the panel found that there was currently a serious possibility that Mr Wills would repeat his behaviours in the future. At present, the panel found that Mr Wills could not be a part of any organisation that was so carefully structured around the welfare, safeguarding and teaching of children."

I have also placed considerable weight on the findings of the panel about the seriousness of Mr Wills' misconduct and that the allegations were not isolated incidents but took place over a prolonged period of time. The panel has commented that "Mr Wills had engaged in substantial inappropriate communications with pupils, which increased in intensity over time, and included messages that had been sent very late at night and during school holidays. The panel also found the content of the messages to be highly concerning and inappropriate, as they contained amongst other things: swear words, discussions of alcohol and reference to drug use, and reference to committing violence against other staff members. The panel found these behaviours to be highly incompatible with being a teacher."

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 3-year review period.

I have considered the panel's comments that, although there was a serious possibility that Mr Wills would repeat his behaviours in future, "in light of Mr Wills' ability as an

educator, the panel felt that Mr Wills should be offered the opportunity to rejoin the profession in the future and to teach children, if he wished to do so. In order to do this, the panel considered that Mr Wills would need to clearly demonstrate the highest level of insight into his actions and the need to consistently maintain strict professional boundaries, if he was to continue teaching children.”

I have considered whether a 3-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a 2-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the failure to maintain professional boundaries and report safeguarding concerns, and the lack of full insight and remorse.

I consider therefore that a 3-year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Dale Wills 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 27 August 2027, 3 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 Wills remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping loop at the end.

**Decision maker: David Oatley**

**Date: 28 August 2024**

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