



Teaching
Regulation
Agency

Mr Thomas Fulham: Professional conduct panel outcome

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

November 2024

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

Teacher: Mr Thomas Fulham

Teacher ref number: 1960087

Teacher date of birth: 20 April 1991

TRA reference: 22198

Date of determination: 21 November 2024

Former employer: Chadwell Heath Academy

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 20 to 21 November 2024 virtually to consider the case of Mr Thomas Fulham.

The panel members were Mrs Shabana Robertson (lay panellist – in the Chair), Mr Robert Dowey (teacher panellist) and Mrs Natalie Jones (teacher panellist).

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

The presenting officer for the TRA was Ms Matilda Hesleton of Browne Jacobson LLP solicitors.

Mr Fulham was not present and not represented at the hearing.

The hearing took place in public save for certain parts of the hearing during which matters concerning the health of Mr Fulham and Pupil A which were heard in private. The hearing was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 21 August 2024.

It was alleged that Mr Fulham was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed as a Teacher of Science at Chadwell Heath Academy between 1 September 2021 and 13 October 2023:

1. *He failed to maintain appropriate professional boundaries by*
 - a. *having contact with Pupil A*
 - i. *Outside of school hours*
 - ii. *Via his personal email address(es)*
 - b. *writing to Pupil A via email around January 2023 – February 2023 or using words to the effect of;*
 - i. *“I love you”;*
 - ii. *“I am here for you no matter what, no matter what time”;*
 - iii. *“I am never letting you go and....will not let you push me away either”;*
 - iv. *“Do you still worry that I am going to leave you? Answer honestly. Also, you asked a while back why I care and part of it is because you make me a better person”;*
 - v. *“I thought it was because you almost got caught. But I am really glad you came back. I don’t...know how long I could have gone without”;*
 - vi. *“Ignore the adults it’s easy for them to forget what it is like as a kid”;*
 - vii. *“I forgot to ask earlier if you want to come in early and stay after school for a while tomorrow”;*
 - viii. *“If you ever want to come in early or stay late you’re more than welcome...done need to ask”.*
2. *His behaviour as may be found proved at 1 above was conduct of a sexual nature and/or sexually motivated.*

3. *He attempted to conceal his communications with Pupil A by;*
 - a. *Using one or more personal email addresses;*
 - b. *writing to Pupil A to “delete all emails as soon as you send/receive them and delete them from your trash” or using words to that effect on or around 3 February 2023*
4. *He provided false and/or misleading information to the Chadwell Heath Academy in that he sent the School an edited version of your email(s) to Pupil A than was originally sent by him by removing parts of the email where he wrote to Pupil A that he did ‘love her’ or parts to that effect.*
5. *His conduct as may be found proved at 3 and/or 4 above lacked integrity and/or was dishonest.*
6. *He failed to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A until 11 February 2023 despite being sent emails from Pupil A to the effect of:*
 - a. *“I feel like dying” on or around 4 February 2023*
 - b. *“I’m struggling...I’m losing myself...I can’t control whats going on anymore. What if I don’t wake up tomorrow morning?” on or around 8 February 2023;*
 - c. *“I feel like dying. I really want to give up” on or around 9 February 2023;*
 - d. *“I’m scared I am going to die” on or around 9 February 2023.*

An agreed statement of facts signed by Mr Fulham on 15 November 2024 and on behalf of the TRA on 19 November 2024 was provided to the panel. This statement confirmed that Mr Fulham admitted all of the allegations save for allegation 2.

Preliminary applications

Application to admit additional documents

An application was made on behalf of the TRA to admit additional documents for consideration at the hearing. The additional documents consisted of a supplementary bundle of documents consisting of the following documents:

- Letter to Mr Fulham enclosing a proceeding in absence application
- Proceedings in absence application on behalf of the TRA
- Statement of Agreed Facts

- Correspondence between Browne Jacobson LLP and Mr Fulham regarding proceeding in absence and an application by Mr Fulham for the hearing to be heard in private.
- Email from the Chadwell Heath Academy responding to Mr Fulham's application for the hearing to be heard in private.

It was submitted on behalf of the TRA that the documents were clearly relevant to the consideration of the case as a whole and that it was fair to admit this evidence as it contained important correspondence with Mr Fulham including a signed Statement of Agreed Facts and an application from Mr Fulham for the hearing to be heard in private.

The panel accepted the advice of the legal adviser.

The panel considered that the documents contained in the supplementary bundle were clearly relevant to the case. The panel was also of the view that as the supplementary bundle consisted predominantly of correspondence between the presenting officer and Mr Fulham it would not cause any prejudice to admit the supplementary bundle as evidence.

Application to proceed in absence

An application was made to proceed in the absence of Mr Fulham on behalf of the TRA in line with paragraph 5.47 of the Disciplinary Procedures.

The TRA outlined that notice of today's hearing had been served on Mr Fulham on 21 August 2024 by post which complied with the requirements to serve the notice of hearing 10 weeks prior to the hearing in line with paragraph 5.23 of the Disciplinary Procedures.

It was also submitted on behalf of the TRA that Mr Fulham had responded to the notice of hearing on 17 September 2024 confirming that he did not wish to attend the hearing which demonstrated that he had been properly served with notice of the hearing.

In light of the above, the TRA applied for the hearing to proceed in the absence of Mr Fulham. In its application, the TRA relied on the email from Mr Fulham dated 17 November 2024 in which Mr Fulham confirmed that he had waived his right to attend the hearing and that he was content for the panel to decide the case in his absence. Mr Fulham also confirmed that he was aware that any findings could lead to the imposition of a prohibition order.

The TRA submitted that Mr Fulham had voluntarily absented himself from the proceedings and that there was no suggestion that he was seeking an adjournment of the hearing or that postponing the hearing would secure his attendance. The TRA submitted that there was a public interest in the matter being heard expeditiously and

also outlined that a witness for the TRA, Witness A was ready to give evidence at the hearing and that any further delays could affect Witness A's memory of events which had occurred. The TRA also indicated that if the hearing was postponed that this would result in a delay of at least 10 weeks in order to allow for notice to be given.

The Panel accepted the advice of the legal adviser.

The panel agreed that notice had been properly served in accordance with the Disciplinary Rules and therefore went on to consider whether to proceed in the absence of Mr Fulham. The Panel was mindful that it should exercise its discretion to proceed in the absence of Mr Fulham cautiously. However, the panel noted that Mr Fulham had consistently indicated that he would not attend a hearing, first in his response to the notice of hearing on 17 September 2024 and more recently in email correspondence on 17 November 2024. [REDACTED]. However, the panel was not provided with any medical evidence regarding Mr Fulham's health and also considered that Mr Fulham had not requested an adjournment due to his health.

The panel were therefore of the view that Mr Fulham had voluntarily absented himself and that adjourning the hearing was unlikely to result in his attendance. Whilst Mr Fulham had indicated that [REDACTED], he had not suggested that his condition would alter in the foreseeable future or that he would attend in the future if the hearing was postponed. The panel were also of the view that there was a public interest in determining the case in good time particularly where there was a witness who was ready to give evidence.

In all the circumstances the panel considered that it was both fair and in the public interest to proceed with the hearing in the absence of Mr Fulham.

Application for the hearing to be held in private

Although Mr Fulham was not present at the hearing, in both his response form date 17 September 2024 and through recent email correspondence with the TRA, Mr Fulham had indicated that he wished to apply for the hearing to be held entirely in private.

In an email dated 18 November 2024, Mr Fulham put forward three reasons for the application which were:

- That Pupil A could become identifiable as it was known that Mr Fulham had been helping her
- Mr Fulham had been struggling with "[REDACTED]" which was why he was not in attendance at the hearing
- The public had no right to know the record of his arrest

In response to the application the TRA submitted that it agreed that those parts of the hearing which related to Mr Fulham's health should be heard in private. However, the TRA opposed the application for the entirety of the hearing to be held in private for the reasons put forward by Mr Fulham.

In relation to Pupil A, the TRA relied on an email dated 19 November 2024 from Witness A, the Designated Safeguarding Lead at the School which indicated that the School was not of the view that Pupil A could be identified so long as she was anonymised. The email from the School also confirmed that the allegations which were the subject of the case against Mr Fulham had been dealt with on a confidential basis and that only those who were privy to those matters would be able to identify who Pupil A was, especially as Pupil A had left the School.

In relation to Mr Fulham's arrest, the TRA argued that it was in the public interest for this evidence to be heard in public even if there was a degree of reputational damage to Mr Fulham. This was because the arrest related directly to the incidents which were the subject of the allegations.

The panel heard and accepted the advice of the legal adviser.

The panel agreed that it was necessary for the parts of the hearing which related to Mr Fulham's health to be heard in private to protect his privacy and as there was no public interest in members of the public hearing these specific matters.

The panel noted the contents of the email from the School on 19 November 2024 regarding the potential identification of Pupil A. The panel was of the view that in light of this email that it was unlikely that Pupil A would be identifiable to anyone who observed the hearing and therefore it did consider that any concerns in relation to this were sufficient to justify the hearing taking place in private.

Whilst accepting that details of Mr Fulham's arrest could cause reputational damage to him, the panel noted that the arrest had come about directly as a result of the events which gave rise to the allegations. The panel also considered that the evidence which related to the arrest such as Mr Fulham's police interview, was relevant to the case and the panel's consideration of the allegations. In these circumstances the panel was of the view that the public interest in the allegations being aired in a public forum outweighed any potential reputational damage to Mr Fulham. Accordingly, the panel did not agree that the entirety of the hearing should be heard in private for this reason, or that the parts of the hearing which related to Mr Fulham's arrest should be heard partly in private.

The panel therefore agreed that the hearing should be heard partly in private as and when matters pertaining to Mr Fulham's health arose.

Application to amend the allegations

The TRA applied to make the following amendments to the allegations:

Allegation 1.b.iii

To replace the words “*will not*” with “*won’t*”

Allegation 1.b.v.

To replace the word “*done*” with “*don’t*”

It was submitted on behalf of the TRA that the amendments sought better reflected the wording used in the emails that were sent by Mr Fulham. Mr Fulham was notified of the application to amend the allegations by the TRA on 19 November 2024 but had not responded. However, it was outlined that these amendments were not substantial and only grammatical in nature and that the amendments would not cause any prejudice to Mr Fulham.

The panel accepted the advice of the legal adviser.

The panel agreed that the amendments sought on behalf of the TRA were to reflect the exact wording of the emails which formed the basis of the allegations. The panel also agreed that the changes were minor in nature and did not substantially alter the case and were unlikely to alter Mr Fulham’s stance on the allegations or cause any other prejudice to him. The panel therefore agreed to the TRA’s application.

In considering this application, the panel of its own volition also noted that there were a number of other minor amendments required to the allegations to better reflect the exact wording of the emails. These amendments were as follows:

Allegation 1.b.v.

The replacement of the word “*have*” with “*of*”

Allegation 6.b.

The addition of an apostrophe to the word “*wasn’t*”

Allegation 6.c.

The replace of “*want to*” with “*wanna*”

The panel considered that as these were regulatory proceedings, it had a duty to play a pro-active role in ensuring that the allegations were worded correctly. The panel did not consider that its proposed amendments would cause any prejudice to Mr Fulham where they were minor in nature and did not alter the substance of the allegations. After confirming that the TRA did not oppose the proposed further amendments, the panel decided to make the additional amendments to the allegations.

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 6 to 9

Section 2: Notice of hearing and response form – pages 10 to 37

Section 2: Teaching Regulation Agency witness statement – pages 38 to 42

Section 4: Teaching Regulation Agency documents – pages 43 to 425

The panel also admitted a supplementary bundle of documents which included the following:

Section 5: Application to proceed in absence application by the TRA – pages 3 to 9 of the Supplementary Bundle

Section 6: Statement of Agreed Facts – pages 10 to 16 of the Supplementary Bundle

Section 7: Correspondence regarding application for hearing to be in private – pages 17 to 24 of the Supplementary Bundle

Witnesses

The panel heard oral evidence from the following individual called by the presenting officer:

- Witness A - [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Introduction

Mr Fulham commenced employment at Chadwell Heath Academy ("the School") on 1 September 2021 as a teacher of science.

At approximately 5.30pm on 11 February 2023, Mr Fulham telephoned a member of the School's safeguarding team to disclose that Pupil A had emailed him expressing that she was suicidal [REDACTED]. This staff member then contacted Witness A, [REDACTED]

informing him of the conversation and also explaining that Mr Fulham was upset at the disclosure from Pupil A.

Mr Fulham had previously taught Pupil A but was not her teacher at the time that the incident occurred.

After being informed of the disclosure by Pupil A, Witness A attempted to call Pupil A's home number, but the call was not picked up. Witness A therefore visited Pupil A's home and called the emergency services whilst on route. Pupil A and her family were at home after having been out for the day. After an assessment by the police, it was agreed that Pupil A did not require emergency care, but referrals were made for Pupil A to the appropriate services.

Witness A updated the School's safeguarding systems and emailed the Headteacher and Deputy Headteacher to make them aware of the situation. Later that evening, Witness A contacted Mr Fulham to check on his wellbeing and to thank him for his prompt action. During this conversation Witness A asked Mr Fulham why Pupil A had contacted him.

Mr Fulham confirmed that he had previously taught Pupil A and that she would come into his classroom with her friends. Mr Fulham also disclosed that there had been fairly regular email contact between him and Pupil A. Mr Fulham also disclosed that the more recent conversations had taken place using his personal email address. Witness A told Mr Fulham that all email contact with any pupils using personal email addresses should cease.

Witness A asked that Mr Fulham disclose the email chain with Pupil A. Mr Fulham disclosed the email chain from 11 February 2023, however it was noted that these emails clearly implied that there had been more email communications between Pupil A and Mr Fulham.

It later emerged that email communications had taken place between Mr Fulham and Pupil A between 11 January 2023 and 11 February 2023 and that there were approximately 166 email communications through Mr Fulham's work email address and two private email addresses. The School was able to retrieve the emails from the Mr Fulham's school email account through the IT department. The School obtained copies of the emails from Mr Fulham's private email account after the police provided them to the School.

Pupil A disclosed that she had emailed Mr Fulham for a couple of weeks and that the emails were mainly about school initially. Pupil A stated that she used Mr Fulham's work email address until 11 February 2023 after which time they had emailed on a different email account.

On 15 February 2023 a LADO Allegations Against Staff and Volunteers meeting was held and Mr Fulham was subsequently suspended on 20 February 2023.

On 31 March 2023, Mr Fulham was arrested by the police. On 27 June 2023, the police reported that they had searched Mr Fulham's electronic devices and had concluded their investigation. The police confirmed that there was nothing to indicate that any offences had been committed and that they were taking no further action. The School then began its own internal investigation. Witness A was appointed as the Investigating Officer and conducted an investigation interview with Mr Fulham on 8 September 2023. On 14 September 2023 the police disclosed copies of their interview with Mr Fulham to the School which were used as part of the investigation.

The School's investigation into Mr Fulham proceeded to a disciplinary hearing on 13 October 2023.

Evidence

The panel had careful regard to the oral and documentary evidence presented and the parties' submissions.

It accepted the legal advice provided.

TRA evidence

The panel heard oral evidence from the following witness called by the presenting officer:

- Witness A –[REDACTED]

Hearsay evidence

The panel was presented with hearsay evidence consisting of Pupil A's account provided to the police and conversations that members of staff at the School had with Pupil A.

The panel was satisfied that the admission of such evidence did not give rise to any unfairness in the specific circumstances of this case. This was because there was no significant dispute as to the factual background to the allegations and this evidence had not been objected to.

Nonetheless, the hearsay evidence presented was considered with appropriate caution and if and where it was relied upon, this is addressed in the panel's reasons, below.

Irrelevant material/evidence

The panel formed its own, independent view of the allegations based on the evidence presented to it.

The panel was aware of the LADO Allegations against Staff and Volunteers meeting outcome, the outcome of the police investigation and the outcome of School's internal investigation process having seen a copy of the School's investigation report.

Whilst the panel took due note of this evidence, the panel was mindful of the need to exercise its own independent judgment and not to rely wholesale upon the opinion of any person, whatever their professional credentials, who was not engaged as an independent expert with a corresponding duty to the panel.

In determining the allegations, the panel was mindful that it was for this panel and not anyone else, to draw inferences and conclusions from proven facts in this case.

Findings of fact

The findings of fact are as follows:

1. You failed to maintain appropriate professional boundaries by

a. Having contact with Pupil A

i. Outside of school hours

With the panel's preliminary observations in mind, it proceeded to consider the facts of the allegations.

The TRA's case was based primarily on the evidence from the TRA witness A and the documentary evidence of exhibited including the email exchanges between Mr Fulham and Pupil A.

The panel summarises the evidence below from Witness A

- Witness A confirmed that there were email exchanges between Mr Fulham and Pupil A which took place at a range of times such as before the school day at 7am, most frequently early in the evening, but also late evening and early in the morning.
- Witness A exhibited a number of emails which had been sent at various times of the day and outside of the School's hours as part of his evidence. The investigation carried out by Witness A confirmed that the emails covered non-school weekend days and strike days during which Pupil A would not have been in school.

- Witness A referred to a number of examples such as one email sent by Mr Fulham to Pupil A on 3 February 2024 at 11.59pm which read *“I’ll probably be up till like 3am so if you want to talk we can”*
- Mr Fulham also accepted in his police interview that emails had been sent out of hours and at weekends

As a starting point, the panel accepted Mr Fulham’s admission to this allegation.

The panel considered the documentary evidence consisting of the email exchanges was clear in showing that there was extensive contact between Mr Fulham and Pupil A outside of School hours. The Panel noted that some of the email exchanges between Mr Fulham and Pupil A occurred at times that were clearly out of School hours for example very late at night.

The panel considered this to be a breach of professional boundaries due to the excessive number of emails that were exchanged outside of School hours. The panel was also of the view that many of the email exchanges occurred well outside of school hours and not for example shortly before or after the school day. The panel was mindful of Witness A’s evidence that there was no justification for this and therefore considered that a breach of professional boundaries had occurred.

The panel therefore found allegation 1a.i. proved in its entirety.

ii. Via his personal email address(es)

The TRA’s case in relation to this allegation was again based on the evidence of Witness A and the documents which were exhibited to his witness statement.

The Panel summarised the evidence of Witness A as follows:

- Witness A confirmed that there were approximately 166 email communications between Mr Fulham and Pupil A some of which were sent through two private email addresses. Witness A clarified that the School did not have sight of the emails that were exchanged in relation to one email address (a Yahoo account) but exhibited emails from a second private anonymous email address.
- Mr Fulham confirmed to Witness A that he has set up the second private anonymous email address as a result of Pupil A’s mother querying why she was emailing a teacher.
- Pupil A confirmed to the School that emails had been exchanged with Mr Fulham using a private email address that belonged to him.
- In his police interview, Mr Fulham explained that he had created an anonymous email account to email Pupil A after Pupil A’s mother became suspicious that she was emailing a teacher from home. Mr Fulham explained that he created this email so that Pupil A would not get in trouble but also so he could keep on

contacting her. Mr Fulham confirmed that he provided the new anonymous email address to Pupil A using his personal Yahoo email which had been an error.

As a starting point, the panel accepted Mr Fulham's admission to this allegation.

The panel considered that there was clear evidence that Mr Fulham had used one personal anonymous email address to communicate with Pupil A as it had the evidence of the email exchanges before it. The panel noted that Mr Fulham had accepted setting up the anonymous email account with a view to contacting Pupil A after her Mother queried her communications with a teacher outside of school hours.

The panel considered this to be a breach of professional boundaries in that the anonymous email had, by Mr Fulham's own admission been set up for the purpose of ensuring that he could continue to communicate with Pupil A once her mother had raised concerns. The panel also accepted Witness A's evidence that this was against the school's policy and that there was no justification for a member of staff to communicate with a pupil in this manner.

The panel therefore found allegation 1.a.ii. proved in its entirety.

- b. writing to Pupil A via email around January 2023 – February 2023 or using words to the effect of;**
 - i. "I love you";**
 - ii. "I am here for you no matter what, no matter what time";**
 - iii. "I am never letting you go and won't let you push me away either";**
 - iv. "Do you still worry that I am going to leave you? Answer honestly. Also, you asked a while back why I care and part of it is because you make me a better person";**
 - v. "I thought it was because you almost got caught. But I am really glad you came back. I don't...know how long I could of gone without";**
 - vi. "Ignore the adults it's easy for them to forget what it is like as a kid";**
 - vii. "I forgot to ask earlier if you want to come in early and stay after school for a while tomorrow";**
 - viii. "If you ever want to come in early or stay late, you're more than welcome...done need to ask".**

The TRA's case was based on the evidence from Witness A including the documentary evidence of the emails which were exhibited.

The panel summarised Witness A' evidence as follows:

- Witness A exhibited a number of emails between Mr Fulham and Pupil A which were sent from both Mr Fulham's school email address and a personal email address between 11 January 2023 and 11 February 2023.
- The emails exhibited included the following:
 - An email sent on 27 January 2023 from Mr Fulham's school email address to Pupil A which said *"And remember if you ever want to come in early or stay late you're more than welcome to, you don't need to ask just come"*
 - An email sent on 3 February 2023 from Mr Fulham's school email address to Pupil A which said *"I don't know if this will help but I'd suggest just be with your [REDACTED] and try to have fun with them like you did in my room today, ignore the adults it's too easy for them to forget what it's like being a kid" and "I'm here for you no matter what, no matter what time ok."*
 - An email sent on 8 February 2023 at 18.46 from Mr Fulham's school email address to Pupil A which said *"Do you still worry that I am going to leave you? Answer honestly. Also you asked a while back why I care and part of it is because you make me a better person"*
 - An email sent on 8 February 2023 at 18.22 from Mr Fulham's school email address to Pupil A *"...I'm never letting you go and I won't let you push me away either."*
 - An email sent on 9 February 2023 at 20.23 from Mr Fulham's school email address to Pupil A which said *"Also I forgot to ask earlier if you want to come in early and stay after school for a while tomorrow."*
 - An email sent on 11 February 2023 at 15:23 from Mr Fulham's school email address to Pupil A which said *"I thought it was because you got caught. But I am really glad you came back. I don't know how long I could of gone without. But don't feel bad"*
- Witness A also exhibited the minutes from Mr Fulham's interview as part of the school investigation and his police interview. In both Mr Fulham indicated that he had removed some of the content of emails between him and Pupil A which included him telling Pupil A that many people loved her and that "he loves her".

The panel noted that Mr Fulham accepted this allegation in its entirety.

The panel first considered allegation 1.b.i. The panel noted that it did not have this specific email before it in evidence. However, the panel did have the account which had been given by Mr Fulham to both the police and during the School's internal investigation in which he admitted removing content from the emails including the specific references to him saying "*I love you*" or words to that effect to Pupil A. Mr Fulham explained that he removed this content as it could look bad to teachers.

The panel considered that Mr Fulham had confirmed that he had used the words "*I love you*" to Pupil A on multiple occasions and that he continued to admit this allegation. Although the sole evidence of this allegation came from the admission by Mr Fulham and not the documentary evidence, the panel considered that Mr Fulham had made this admission on a number of occasions and continued to do so. Accordingly, the panel was satisfied on the balance of probabilities that it was more likely than not that Mr Fulham had used the words "*I love you*" to Pupil A in an email exchange.

As regards the rest of the allegations 1.b.ii to 1.b.viii, the panel had clear evidence of the emails exchanges between Mr Fulham and Pupil A in which the words pleaded within the allegations was used. The panel also noted that there was no dispute by Mr Fulham that these emails had been exchanged. The panel was therefore of the view that there was compelling evidence in relation to these allegations and found the allegations proved.

Having found that Mr Fulham had written to Pupil A via email using the wording alleged the panel also considered that a breach of professional boundaries had occurred. The panel noted that the word used were of a highly emotive and personal nature. It accepted the evidence of Witness A that the email exchanges suggested that there was a growing emotional dependency between Pupil A and Mr Fulham on both sides. The panel considered this to be a clear breach of professional boundaries.

The panel therefore found this allegation proved in its entirety.

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

The TRA submitted that the nature of the email communications between Mr Fulham and Pupil A including the timing out of school hours, the use of personal email address and the content of the emails demonstrated that Mr Fulham's conduct was of a sexual nature and/or sexually motivated.

The TRA relied on Witness A's evidence that the emails exchanges were evidence of a growing personal relationship between Mr Fulham and Pupil A in which both parties had become dependent on one another. It was alleged that this was indicative of an intention

on the part of Mr Fulham to form a future sexual relationship with Pupil A which satisfied the legal definition of a sexually motivated act.

The TRA also relied on the use of the phrases such as “*I love you*” and “*I won’t let you go*” by Mr Fulham to Pupil A in advancing its case that Mr Fulham’s conduct was sexual in nature.

Mr Fulham denied this allegation.

The panel gave careful consideration to the evidence before it. The panel first considered whether there was any evidence that Mr Fulham’s conduct was sexual in nature. The panel noted that Witness A had given evidence that as the Designated Safeguarding Lead, it had been at the forefront of his mind to consider whether there was any evidence of Mr Fulham’s conduct being sexual in nature when he conducted the school’s investigation. Witness A had taken into account that the police found no evidence of Mr Fulham’s conduct being sexual in nature, but Witness A had nonetheless considered that he should form his own independent view as police thresholds were different. However, having carefully considered the evidence Witness A had been unable to conclude that there was any evidence of the Mr Fulham’s conduct being sexual in nature.

The panel considered that whilst the email exchanges were personal in nature and highly inappropriate that there was nothing overtly sexual in nature about the exchanges. The panel further considered that there was no social media interaction between Mr Fulham and Pupil A or any other communications between them save for the emails. This had been confirmed by the outcome of the police investigation during which Mr Fulham’s devices were searched.

The panel noted that Mr Fulham had indicated that he had used the wording such as “*I love you*” in a paternal context and with the motivation of helping and supporting Pupil A. The panel accepted this account and considered that whilst inappropriate it could not be satisfied on the balance of probabilities that Mr Fulham’s conduct was sexual in nature.

The panel went on to consider whether Mr Fulham’s conduct could be said to be sexually motivated. The panel was of the view that there was insufficient evidence to show that Mr Fulham intended to form a future sexual relationship with Pupil A.

In particular, the Panel noted that in November 2022, Mr Fulham had made an entry on the Schools CPOMs safeguarding system raising relatively low-level safeguarding concerns about Pupil A not being her usual self. The panel considered that this was evidence of Mr Fulham trying to act in Pupil’s A’s best interests. Mr Thomson confirmed in evidence that Mr Fulham had been dissatisfied with the outcome of that referral and therefore had indicated that he had taken it upon himself to support Pupil A.

Whilst the panel considered this ill-advised it could not discount that this was Mr Fulham’s motivation in communicating with Pupil A. In addition to this, the panel also noted that it

appeared that Pupil A may have initiated the electronic contact with Mr Fulham after he ceased to be her teacher. In all the circumstances, the panel considered that whilst an inappropriate personal relationship had developed between Pupil A and Mr Fulham, there was insufficient evidence to suggest that Mr Fulham's actions were sexually motivated.

The panel therefore did not find allegation 2 proved.

3. You attempted to conceal your communications with Pupil A by

a. using one or more personal email addresses;

The TRA's case in relation to this allegation was based on the evidence of Witness A and the documents which were exhibited to his witness statement.

The Panel summarised the evidence of Witness A as follows:

- Witness A confirmed that there were approximately 166 email communications between Mr Fulham and Pupil A some of which were sent through two private email addresses. Witness A clarified that the School did not have sight of the emails that were exchanged in relation to one email address (a Yahoo account) but exhibited emails from a second private anonymous email address.
- Mr Fulham confirmed to Witness A that he has set up the second private anonymous email address as a result of Pupil A's mother querying why she was emailing a teacher.
- Pupil A confirmed to the School that emails had been exchanged with Mr Fulham using a private email address that belonged to him.
- In his police interview and during the School's investigation, Mr Fulham confirmed that he had created a personal anonymous email address after Pupil A's mother had suspicions that Pupil A was emailing a teacher from home. Mr Fulham said that he provided Pupil A with details of this new email using his personal Yahoo email account and explained that he had done this to stop Pupil A from getting into trouble but to ensure that he was able to continue to keep in touch with her.

The panel accepted Mr Fulham's admission to this allegation.

The panel considered that it had clear evidence of the email exchanges between Pupil A and Mr Fulham having taken place on personal email accounts. It noted that during both the School's investigation and the police investigation that Mr Fulham had accepted that he had set up a personal anonymous email address to contact Pupil A and that he had communicated the details of this email account to Pupil A using his Yahoo personal email account.

The panel also considered that there was ample evidence that Mr Fulham had set up the personal email account in order to conceal his communications with Pupil A. Mr Fulham had made admissions to this effect and the panel noted that the anonymous personal email account was only set up after Pupil A had informed Mr Fulham that her mother had queried why she was emailing a teacher. The panel was therefore satisfied on the balance of probabilities that the Mr Fulham had attempted to conceal his communications with Pupil A as alleged.

The panel therefore found this allegation proved.

b. writing to Pupil A to “delete all emails as soon as you send/receive them and delete them from your trash” or using words to that effect

The case on behalf of the TRA in relation to this allegation was based on the evidence of Witness A and the emails that were exhibited to Witness A’s statement.

In particular Witness A exhibited an email which was sent by Mr Fulham on 3 February 2023 from his school email address to Pupil A which stated *“Don’t know if this needs saying but delete all the emails as soon as you send/receive them and delete them from your trash as well. Also let me know if you don’t want me to reply”*. This email followed on from an email from Pupil A in which she had explained that her mum had seen the emails between her and Mr Fulham and that she wasn’t “really allowed to” email Mr Fulham anymore.

Mr Fulham accepted this allegation.

The panel noted that there was clear, unequivocal evidence in relation to this allegation as it had the email before it where this wording was used which was not in dispute. The panel noted that the nature of the email was clearly an attempt by Mr Fulham to conceal his communications with Pupil A by asking her to delete his messages.

The Panel therefore found this allegation proved.

4. You provided false and/or misleading information to the Chadwell Heath Academy in that you sent the School an edited version of your email(s) to Pupil A than was originally sent by him by removing parts of the email where you wrote to Pupil A that you ‘love her’ or parts to that effect

The TRA’s case in relation to this allegation was based on the evidence of Witness A and the documents which were exhibited.

The Panel summarised the evidence of Witness A as follows:

- Witness A exhibited minutes of the police interview with Mr Fulham which took place in March 2023, in which he admitted that he had removed some of the

contents of the emails. When asked what he had removed, Mr Fulham said that he had told Pupil A that many people loved her and that he loves her. In his police interview, Mr Fulham indicated that he knew how this would look with teachers, so deleted the contents of this before providing the emails to the School.

- Witness A confirmed that the School had not been made aware that Mr Fulham had done this until the minutes from Mr Fulham's police interview were disclosed to the School on 14 September 2023. Witness A confirmed that Mr Fulham later admitted editing the email content during the School's internal investigation to remove the wording "*I love you*".

Mr Fulham accepted this allegation in its entirety.

The panel noted that Mr Fulham had not initially disclosed the full content of the emails between him and Pupil A that were exchanged on his personal email account to the School when asked. It only became apparent that this had occurred once the School had received disclosure from the police of Mr Fulham's police interview.

The panel considered that whilst this allegation was based on admissions by Mr Fulham, it was nonetheless satisfied on the balance of probabilities that Mr Fulham had provided false and misleading information to the School in that he had removed content from the emails that he disclosed to the School which included the words "*I love you*". The panel noted that Mr Fulham had admitted to this conduct on several occasions and that he continued to admit this allegation in his most recent correspondence with the TRA consisting of the Statement of Agreed Facts.

The panel therefore found this allegation proved.

5. Your conduct as may be found proved at 3 and/or 4 above lacked integrity and/or was dishonest.

The TRA alleged that Mr Fulham's conduct in both taking steps to conceal his communications with Pupil A and removing wording from the emails which he disclosed to the School both lacked integrity and was dishonest.

Mr Fulham accepted the allegation.

The panel agreed with the TRA that Mr Fulham's conduct lacked integrity. The panel considered that Mr Fulham's conduct which consisted of taking deliberate actions to conceal both his communications with Pupil A and the wording that he had used to Pupil A fell far below the higher standards which society expected from a teacher resulting from their privileged and trusted role in society. The panel considered that Mr Fulham's actions in this regard were unethical and therefore lacked integrity.

The panel went on to consider whether Mr Fulham's actions were dishonest. The panel considered that Mr Fulham clearly set up an anonymous private email account to conceal his communications with Pupil A for the reasons that had been outline. His communication to Pupil A to delete his emails was also clear evidence that Mr Fulham was seeking to conceal his conduct as he knew that he should not have been communicating with Pupil A. Likewise the panel considered that Mr Fulham had deliberately undertaken to remove wording from the emails that he sent to the School as he was concerned how using wording such as "*I love you*" would appear to teachers. The panel considered that where Mr Fulham had undertaken these deliberate actions to conceal his actions that ordinary decent people would consider his actions to be dishonest. The panel accordingly found that Mr Fulham had acted in a dishonest manner.

The panel therefore found this allegation proved in respect of both integrity and dishonesty.

6. You failed to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A until 11 February 2023 despite being sent emails from Pupil A to the effect of:

- a. "I feel like dying" on or around 4 February 2023**
- b. "I'm struggling...I'm losing myself...I can't control what's going on anymore. What if I don't wake up tomorrow morning?" on or around 8 February 2023;**
- c. "I feel like dying. I really wannna give up" on or around 9 February 2023;**
- d. "I'm scared I am going to die" on or around 9 February 2023**

The TRA's case in relation to this allegation was based on the evidence of Witness A and the documents which were exhibited.

The Panel summarised the evidence of Witness A as follows:

- Witness A provided evidence that Mr Fulham first contacted one of the designating safeguarding officers at the School in relation to Pupil A at approximately 5:30pm on Saturday 11 February 2023 to disclose that Pupil A had shared via email that she was suicidal.
- Witness A exhibited a number of emails between Mr Fulham and Pupil A. These included the following emails which were all sent by Pupil A to Mr Fulham prior to 11 February 2023:
 - An email from Pupil A sent on 4 February 2023 at 17:03 to Mr Fulham in which she wrote "I feel like dying"

- An email from Pupil A sent on 8 February 2023 9:32pm to Mr Fulham in which she wrote *"hi. I'm struggling. like a lot...im losing myself. and I can't control what's going on anymore. what if I don't wake up tomorrow morning?..."*
- An email from Pupil A sent on 9 February 2023 at 19:46 to Mr Fulham in which she wrote *"I feel like dying. i really wanna give up. I know I'm not supposed to message you but I'm struggling"*
- An email from Pupil A sent on 9 February 2023 at around 7:45pm to Mr Fulham in which she said *"i'm scared I'm gonna die.....?"*

Mr Fulham accepted the allegation in its entirety

The panel noted that the evidence in relation to this allegation was clear and unequivocal.

The panel had sight of the emails exchanged between Mr Fulham and Pupil A in which she had first expressed suicidal ideation on 4 February 2023. However, it was also clear that Mr Fulham did not raise these concerns with any of the school's safeguarding leads or Witness A until 11 February 2023. There was also no evidence that Mr Fulham had made any other attempts to alert the School's safeguarding team to Pupil A's communications on suicidal ideation as Mr Fulham did not make any entries on the School's safeguarding IT system (CPOMs). The panel noted that Mr Fulham had previously raised concerns regarding Pupil A in November 2022 on CPOMs which had been at a much lower risk level but failed to do so this time until a week later from 4 February 2023.

The panel was also mindful of the evidence of Witness A that Mr Fulham would have received safeguarding induction training when he commenced his employment and annual refreshers as well as training throughout the year. This training included both internal training and training by external providers. The panel was also mindful that the School had clear processes and policies in place which set out Mr Fulham's safeguarding duties but which he did not follow. The panel therefore considered that Mr Fulham had a duty to take appropriate action when Pupil A expressed suicidal ideation and that he should have been well aware of what to do but that he had failed in this duty.

The panel therefore found this allegation proved.

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

The need to 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 professional regard for the ethos, policies and practices of the school in which they teach....
- teachers must have an understanding of and always act within the statutory frameworks which set out their professional duties and responsibilities

The panel also considered that Mr Fulham had failed to act in accordance with a number of the School’s internal policies such as the School’s Child Protection and Safeguarding Policy and the Staff Code of Conduct. This was despite Mr Fulham having had training on safeguarding from the School as part of his induction and annually including training from external providers.

The panel considered its findings in respect of allegations 1,3,4,5 and 6.

In relation to allegation 1, the panel considered that Mr Fulham’s conduct amounted to serious unacceptable professional conduct. The panel considered that by contacting Pupil A outside of School hours on multiple occasions and using personal email addresses Mr Fulham’s conduct had fallen far short of what was expected in the circumstances. The panel also considered that his conduct breached professional boundaries and had allowed personal relationship to develop between himself and Pupil A in which both parties had become emotionally dependant on one another. The panel

considered that this was a fundamental and serious failure which placed Pupil A at risk of harm.

In relation to allegations 3, 4 and 5 the panel considered that Mr Fulham's actions in attempting to conceal his communications with Pupil A, removing the content of his email to Pupil A in which he said "*I love you*" and the associated lack of integrity and dishonesty amounted to serious unacceptable professional conduct. The panel considered that Mr Fulham's actions in this regard were deliberate in line with its factual findings. The panel considered that Mr Fulham's motivation in this conduct was guided by self-interest and a need to protect himself whilst also continuing to facilitate the communications with Pupil A which he knew should not have occurred.

In relation to allegation 6 the panel found that Mr Fulham's conduct in this regard placed Pupil A at clear risk of harm. The panel noted that Mr Fulham was not qualified in any way above and beyond his role as a teacher to provide the level of support that Pupil A required as he had not received any additional training in this regard. In not reporting Pupil A's suicidal ideation therefore, Mr Fulham deprived Pupil A of the opportunity of receiving the support that she required from professionals that were better equipped and trained to provide it. Additionally, Mr Fulham prevented his colleagues in the School's safeguarding team from intervening to refer Pupil A to the appropriate agencies who could provide her with the help and support required. The panel therefore found that Mr Fulham's conduct in relation to this allegation amounted to serious unacceptable professional conduct.

The panel also considered that the cumulative effect of Mr Fulham's conduct was also to deprive Pupil A's family of the knowledge they should have had that their child needed support, and to prevent them from having the opportunity to provide that support.

The panel was therefore satisfied that Mr Fulham's conduct in respect of each of the allegations found proved amounted to unacceptable professional conduct.

In relation to whether Mr Fulham's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 considered that Mr Fulham's conduct in breaching professional boundaries with Pupil A which led to a personal relationship forming, his conduct in acting dishonestly and without integrity through his attempts to conceal his actions and Mr Fulham's failure to take appropriate action immediately after Pupil A expressed suicidal ideation was conduct which would bring the profession into disrepute.

The panel considered that Mr Fulham's actions when taken as whole, had deprived Pupil A from getting the support that she needed from the right professional sources at the earliest opportunity which led to her being placed at risk of serious harm. Likewise, Mr Fulham's actions in dishonestly concealing his conduct was motivated by self-interest and did not assist Pupil A even if Mr Fulham had considered that he was assisting her. The panel considered that these actions had the potential to undermine the public's confidence in the teaching profession and to therefore bring the profession into disrepute.

The panel therefore concluded that Mr Fulham's conduct amounted to unacceptable professional conduct and conduct which brought the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils and protection of other members of the public
- maintenance of public confidence in the profession and
- declaring and upholding proper standards of conduct within the teaching profession

In relation to the first bullet point, the panel considered that the specific factors in this case were related to the public interest considerations around the safeguarding and wellbeing of pupils specifically rather than wider public protection concerns.

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

The panel identified a number of such behaviours were relevant to this case and the consideration of a prohibition order.

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk
- abuse of position or trust (particularly involving pupils);
- failure to act on evidence that indicated a child's welfare may have been at risk
 - g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE)
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences....
- collusion or concealment including the following:
 -concealing inappropriate actions (through removing the content of some of the emails that Mr Fulham disclosed to the School) ;
 - encouraging others to break rules (in relation to Mr Fulham setting up a personal email address for Pupil A to continue to communicate with Pupil A even after her mother had raised concerns about this);
 - lying to prevent the identification of wrongdoing;

The panel also considered that all of the allegations arose from online communications between Mr Fulham and Pupil A. Although the contact between Mr Fulham and Pupil A did not move into a contact relationship, the panel was of the view that the online contact was serious given that it led to Pupil A and Mr Fulham developing an emotionally dependent relationship.

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

In the light of the panel's findings, it considered whether there were any mitigating factors which were present in this case:

- The panel noted that prior to the incident there had been no concerns with Mr Fulham as a teacher. He had maintained high standards of attendance and had been a good teacher. However, the panel was not of the view that there was

any evidence before it to show that Mr Fulham had been an exceptional teacher, and it did not consider this to be a mitigating factor.

The panel did not consider that there were any other mitigating factors.

The panel then considered whether there were any aggravating factors present. The panel did not consider that there were any aggravating factors which went beyond the specific nature of the allegations in this case.

The panel also noted that Mr Fulham admitted the allegations and that Mr Fulham had made the decision on 11 February 2023 to notify the School of the concerns regarding Pupil A's [REDACTED] The panel considered that this did demonstrate Mr Fulham had by this stage developed a degree of insight as he had recognised that he could not provide the right support to Pupil A and did this in the knowledge that it would likely expose his conduct in communicating with Pupil A.

The panel also considered that Mr Fulham had apologised for not following the School's policies and procedures and any harm that had been caused at his disciplinary hearing. The panel was of the view that this also demonstrated a degree of remorse.

However, the panel was not provided with any evidence from Mr Fulham which indicated that he had further developed his insight since that time. The panel did not for example have the benefit of a statement from Mr Fulham or any reflection, nor did it have any references or testimonials.

The panel noted that Mr Fulham had mentioned that he was having therapy during the course of his disciplinary hearing at the School. However, the panel had no evidence before it which suggested that Mr Fulham had learnt from what had occurred with Pupil A and/or that he had put anything in place which would prevent a re-occurrence of his conduct. In the absence of any further information the panel therefore considered that Mr Fulham remained at risk of repeating his conduct in the future.

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.

Having carefully considered the specific circumstances of this case and taking account of the features present, the panel was of the view that, applying the standard of the ordinary citizen of the public, it would not be proportionate or appropriate to conclude the case without any recommendation of a prohibition order. The panel had already identified a number of behaviours which it considered were incompatible with being a teacher as listed above. The panel also considered that it could not be satisfied that Mr Fulham had shown full insight into his conduct and/or that he would not be at risk of repeating his conduct in the future.

The panel also noted that the nature of the allegations which had found proved were also of a serious nature as the panel had found that Mr Fulham's actions had placed Pupil A at risk of harm and Mr Fulham had acted dishonestly. The panel therefore did not consider that publication alone in this case would be sufficient.

In light of the above the panel was of the view that a prohibition order was both proportionate and appropriate.

The panel then 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 two years. The panel considered that it would be proportionate to recommend a review of the prohibition after two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period and/or would suggest that a longer period should pass before any review was permitted.

The panel noted that the only behaviour present in this case was dishonesty. The panel considered that any finding of dishonesty was serious, however it noted that in this case that Mr Fulham had eventually revealed his conduct through disclosing his concerns regarding Pupil A's suicidal ideation to the School even though it was likely to result in his actions becoming known. The panel also considered that Mr Fulham had provided full and frank admissions at his police interview in the context of the School's investigation regarding his behaviour in removing content from the emails he sent to Pupil A. For these reasons the panel did not consider that Mr Fulham's dishonesty was at the higher end of the spectrum of dishonesty.

The panel considered that in all of the circumstances a prohibition order with a review after the minimum period of two years was proportionate in protecting the public interest.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

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

- 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 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 Fulham, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are serious as they include a finding of breaching professional boundaries with Pupil A, which led to a personal relationship forming, acting dishonestly and without integrity and a failure to take appropriate action to safeguard Pupil A.

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 or 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 Mr Fulham, 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/safeguard pupils. The panel has observed, "In relation to allegation 6 the panel found that Mr Fulham's conduct in this regard placed Pupil A at clear risk of harm. The panel noted that Mr Fulham was not qualified in any way above and beyond his role as a

teacher to provide the level of support that Pupil A required as he had not received any additional training in this regard. In not reporting Pupil A's suicidal ideation therefore, Mr Fulham deprived Pupil A of the opportunity of receiving the support that she required from professionals that were better equipped and trained to provide it. Additionally, Mr Fulham prevented his colleagues in the School's safeguarding team from intervening to refer Pupil A to the appropriate agencies who could provide her with the help and support required." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight, which the panel sets out as follows, "The panel also noted that Mr Fulham admitted the allegations and that Mr Fulham had made the decision on 11 February 2023 to notify the School of the concerns regarding Pupil A's suicidal ideation and plan. The panel considered that this did demonstrate Mr Fulham had by this stage developed a degree of insight as he had recognised that he could not provide the right support to Pupil A and did this in the knowledge that it would likely expose his conduct in communicating with Pupil A." I have therefore given this element some 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 observe, "The panel considered that Mr Fulham's actions when taken as whole, had deprived Pupil A from getting the support that she needed from the right professional sources at the earliest opportunity which led to her being placed at risk of serious harm. Likewise, Mr Fulham's actions in dishonestly concealing his conduct was motivated by self-interest and did not assist Pupil A even if Mr Fulham had considered that he was assisting her. The panel considered that these actions had the potential to undermine the public's confidence in the teaching profession and to therefore bring the profession into disrepute." I am particularly mindful of the finding of failure to take action to safeguard Pupil A 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 Fulham himself and the panel comment "The panel noted that prior to the incident there had been no concerns with Mr Fulham as a teacher. He had maintained high standards of attendance and had

been a good teacher. However, the panel was not of the view that there was any evidence before it to show that Mr Fulham had been an exceptional teacher, and it did not consider this to be a mitigating factor.”

A prohibition order would prevent Mr Fulham 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 level of insight or remorse. The panel has said, “The panel also considered that Mr Fulham had apologised for not following the School's policies and procedures and any harm that had been caused at his disciplinary hearing. The panel was of the view that this also demonstrated a degree of remorse.” The panel also said “However, the panel was not provided with any evidence from Mr Fulham which indicated that he had further developed his insight since that time. The panel did not for example have the benefit of a statement from Mr Fulham or any reflection, nor did it have any references or testimonials.”

I have also placed considerable weight on the finding of the panel that concerning lack of integrity and dishonesty “The panel considered that Mr Fulham's actions in this regard were deliberate in line with its factual findings. The panel considered that Mr Fulham's motivation in this conduct was guided by self-interest and a need to protect himself whilst also continuing to facilitate the communications with Pupil A which he knew should not have occurred.”

In addition, I have given weight to the following “The panel also considered that the cumulative effect of Mr Fulham's conduct was also to deprive Pupil A's family of the knowledge they should have had that their child needed support, and to prevent them from having the opportunity to provide that support.”

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period and/or would suggest that a longer period should pass before any review was permitted."

"The panel noted that the only behaviour present in this case was dishonesty. The panel considered that any finding of dishonesty was serious, however it noted that in this case that Mr Fulham had eventually revealed his conduct through disclosing his concerns regarding Pupil A's suicidal ideation to the School even though it was likely to result in his actions becoming known. The panel also considered that Mr Fulham had provided full and frank admissions at his police interview in the context of the School's investigation regarding his behaviour in removing content from the emails he sent to Pupil A. For these reasons the panel did not consider that Mr Fulham's dishonesty was at the higher end of the spectrum of dishonesty."

I have considered whether a 2 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.

I have considered the panel's findings carefully, including "The panel had already identified a number of behaviours which it considered were incompatible with being a teacher as listed above. The panel also considered that it could not be satisfied that Mr Fulham had shown full insight into his conduct and/or that he would not be at risk of repeating his conduct in the future."

In reaching my decision I have given considerable weight to the following "the panel had no evidence before it which suggested that Mr Fulham had learnt from what had occurred with Pupil A and/or that he had put anything in place which would prevent a re-occurrence of his conduct. In the absence of any further information the panel therefore considered that Mr Fulham remained at risk of repeating his conduct in the future."

In this case I disagree with the panel on review period, I have decided for a number of reasons that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. In my view when recommending the review period, the panel have given insufficient weight to the risk of repetition, due to the lack of evidence to prevent reoccurrence of the serious misconduct found proven in this case.

I consider therefore that a five year review period is required to satisfy the maintenance of public confidence in the profession. This will enable Mr Fulham to develop deeper insight and take remedial steps to avoid the risk of this conduct reoccurring in the future.

This means that Mr Thomas Fulham 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 November 2029, 5 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 Fulham remains prohibited from teaching indefinitely.

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

Mr Thomas Fulham has a right of appeal to 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 'SABuxcey', with a horizontal line extending from the start of the signature.

Decision maker: Sarah Buxcey

Date: 27 November 2024

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