



Teaching  
Regulation  
Agency

# **Mr Nemiya Rookwood: Professional conduct panel hearing outcome**

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

**December 2024**

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

|                               |   |
|-------------------------------|---|
| <b>Teacher:</b>               | Mr Nemiya Rookwood                            |
| <b>Teacher ref number:</b>    | 3670477                                       |
| <b>Teacher date of birth:</b> | 20 April 1991                                 |
| <b>TRA reference:</b>         | 17489   |
| <b>Date of determination:</b> | 4 December 2024                               |
| <b>Former employer:</b>       | Lincoln University Technical College, Lincoln |

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 25 November 2019 (“Day One”), 12 September 2022 (“Day Two”), 13 September 2022 (“Day Three”), 14 September 2022 (“Day Four”) 15 September 2022 (“Day Five”), 2 December 2024 (“Day Six”), 3 December 2024 (“Day Seven”) and 4 December 2024 (“Day Eight”), at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Rookwood.

The panel members for Day One were Mr Mike Carter (former teacher panellist – in the chair), Ms Fiona Tankard (teacher panellist) and John Elliott (lay panellist). The panel members for Days Two, Three, Four, Five, Six and Seven were Mr Adnan Qureshi (lay panellist – in the chair), Mrs Christine McLintock (teacher panellist) and Mrs Shabana Robertson (lay panellist).

The legal adviser to the panel for Day One was Mr Prem Thakor, for Days Two and Three was Miss Rebecca Underwood and for Days Four, Five, Six, Seven and Eight was Mrs Luisa Gibbons. Each Legal Adviser was of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Philip Dayle of No 5 Barristers Chambers, instructed initially by DAC Beachcroft and latterly by Capsticks LLP.

Mr Rookwood was present throughout and was not represented.

The hearing took place in public and was recorded.

## Allegations

On Day One, the panel considered the allegations set out in the notice of proceedings dated 27 November 2019. By the time the hearing resumed on Day Two, a replacement notice of proceedings had been issued dated 7 July 2022. It was the allegations in this notice that was considered by the panel from Day Two onwards.

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

Whilst employed or contracted to work at Lincoln University Technical College (“the School”) between 31 August 2016 and 9 May 2018:

1. On one or more occasions, he used inappropriate and/or derogatory words to the effect that Staff Member A and/or Staff Member B were “ice bitches” in the presence of Staff Member A and/or Staff Member B.
2. On or around 29 March 2018, he made an inappropriate comment of a sexual nature to Staff Member B when he told Staff Member B that he wanted to unbutton her skirt.
3. He made an inappropriate comment of a sexual nature in the presence of Staff Member C when he said words to the effect that he had found a way to increase the girth of his penis.
4. He behaved in an inappropriate and sexually suggestive manner towards Staff Member A when on one or more occasions he looked up and down Staff Members A’s body and made a suggestive groaning noise towards her.
5. He behaved in an inappropriate and sexually suggestive manner towards Staff Member B when on numerous occasions he looked up and down Staff Member B’s body and made a suggestive and/or approving noise.
6. He subjected Staff Member A to inappropriate and unwanted physical contact on the following occasion(s);
  - (a) During December 2017, he squeezed Staff Member A’s bottom twice and/or
  - (b) He rubbed his groin against Staff Member A’s bottom whilst in the staff room and/or
  - (c) He rubbed his groin against Staff Member A’s bottom whilst in the SEND room.
7. He subjected Staff Member B to unwanted physical contact on 30 April, in the staff room by:
  - (a) Grabbing at Staff Member B’s leg and/or
  - (b) Trying to lift up Staff Member B’s feet and/or
  - (c) Lifting Staff Member B up and/or

- (d) Putting Staff Member B over his shoulder and/or
  - (e) Smacking or tapping Staff Member B on the bottom.
8. On or before 8 May 2018, he behaved in an inappropriate and unprofessional manner, whether or not the acts were carried out during working hours or at his workplace, when he
    - (a) Sent one or more unsolicited and intimate images or photos of himself naked in which his penis was visible and erect, to a group of young women (“the Group”) that he had met in a business context and/or
    - (b) Sent one or more unsolicited videos or other footage of himself masturbating to the Group.
  9. On or around 8 May 2018, during the school day and on school premises, he made inappropriate comments of a sexual nature to Staff Member B concerning his behaviour outlined in Allegation 9 8 above.
  10. On or around 8 May 2018, during the school day and on school premises, he showed or attempted to show Staff Member B one or more images or photos of himself naked.
  11. On or around 8 May 2018, during the school day and on school premises, he asked Staff Member B if she wanted to see one or more images or photos of himself naked.
  12. On 8 May 2018, he asked Staff member B to agree to take a telephone call from a third party whom he anticipated would call the school to complain about his behaviour as outlined in allegation 9 8 above when he knew that Staff Member B was not the appropriate person to take that call.
  13. On 8 May 2018 he made the request referred to in allegation 13 12 above with the intention that any complaint would be concealed from more senior colleagues.
  14. His conduct as set out in all or any of the allegations above that are found proved constitute a failure to observe a proper boundary appropriate to a teacher’s professional position.
  15. By virtue of his conduct as set out in all or any of the allegations 1 – 14 13 above that are found proved he failed to maintain high standards of ethics and behaviour, within and outside school.
  16. His conduct as set out in all or any of the allegations 1 – 14 13 above that are found proved constitute a failure to have proper and professional regard for the ethos, policies and practices of the School.
  17. By his conduct set out in paragraph 13 12 and/or 14 13, he failed to act with integrity.
  18. His conduct set out in all or any of the following allegations that are found proved was sexually motivated:

- (a) Allegation 1
- (b) Allegation 3
- (c) Allegation 4
- (d) Allegation 5
- (e) Allegation 6
- (f) Allegation 7
- (g) Allegation 8
- (h) Allegation 9
- (i) Allegation 10
- (j) Allegation 11
- (k) Allegation 12.

During the course of Day Two, the allegations were amended as indicated by the tracked changes above.

Mr Rookwood denied all of the allegations and denied that he was guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute.

## **Preliminary applications**

### **Application for Special Measures**

On Day One the presenting officer applied for Staff Member B to be treated as a vulnerable witness and for special measures to be granted:

- to allow her to give evidence by video link;
- for a screen to be put in place so that she could not see Mr Rookwood as she gave evidence; and
- that a witness supporter be allowed to be with her.

Mr Rookwood did not have any response to make regarding this application.

The panel enquired with the presenting officer how it was proposed that Staff Member B be questioned on behalf of Mr Rookwood given that he had no representative. Paragraph 4.72 of the Teacher misconduct: disciplinary procedures for the teaching profession Updated April 2018 (“the Procedures”) states that:

“where [...] any part of the allegation against a teacher is sexual in nature and the alleged victim is giving evidence [...] the teacher will not be allowed to examine or cross-examine the witness. In such circumstances, the panel may direct that examination or cross-

examination of the witness will be undertaken by such means, or by such person, as the panel considers appropriate.”

The panel acceded to the presenting officer’s application that Staff Member B be treated as a vulnerable witness since the panel was satisfied that the quality of her evidence was likely to be adversely affected at a hearing and that she required special consideration. The panel confirmed that it would adopt such measures as it considered necessary to safeguard the interests of Staff Member B and that this included giving evidence by video link. It also directed that an intermediary be instructed to ask questions of Staff Member B on behalf of Mr Rookwood. Since no intermediary was instructed to attend, the hearing adjourned.

### **Application to admit the hearsay evidence of Staff Member B and Staff Member E**

On Day Two of the hearing, the presenting officer applied to admit the hearsay evidence of Staff Member B. It was explained that it had been the intention to call Staff Member B to give oral evidence. However, it had not been possible to instruct an intermediary to ask questions of her on behalf of Mr Rookwood within the original period listed to hear this case, and the hearing was adjourned. By the time the hearing resumed in September 2022, Staff Member B had disengaged from the proceedings.

The presenting officer also applied to admit the hearsay evidence of Staff Member E. The presenting officer explained that Staff Member A referred to in the allegations did not provide a witness statement to the TRA for these proceedings, but had spoken at the time of the School’s investigation to Staff Member E who prepared a statement of the information Staff Member A had provided. The presenting officer explained that it had always been envisaged that Staff Member E would be the second purveyor of the evidence of Staff Member A, but Staff Member E had also disengaged from these proceedings.

The presenting officer also applied to admit the hearsay evidence of Staff Member C who had also provided a witness statement in connection with these proceedings, but who would not be attending to give oral evidence.

The panel considered that the statements of Staff Member B, Staff Member E and Staff Member C were all relevant to the allegations. The panel, therefore, considered whether it was fair to admit the statements under paragraph 4.18 of the Procedures without the opportunity for the witness to be cross-examined by or on behalf of Mr Rookwood.

The panel had regard to the seriousness of the allegations in this case and that it is open to the panel to recommend prohibition in this case if the allegations are found proven. The panel considered the importance of the evidence and whether it constituted a critical part of the evidence against Mr Rookwood. The panel noted that the evidence is of key witnesses and is central to a number of allegations in this case.

With regard to the overall question of fairness, the panel considered that Mr Rookwood would be at a disadvantage if the evidence was to be admitted, since it would deny him the opportunity to test the veracity of the witness evidence. The panel considered that the right to a fair hearing entitled Mr Rookwood to ask questions of those witnesses giving evidence to which the allegations relate.

The panel decided not to admit the statements of Staff Member B, Staff Member E and Staff Member C.

### **Application to amend allegations**

On Day Two, the presenting officer applied to amend allegations: 9, 12, 13, 15, 16 and 17 of the Notice of Hearing dated 7 July 2022.

The teacher consented to the amendments to allegations: 9, 12, 13, 15, 16 and 17.

It was determined that the amendments were typographical errors and did not change the nature, scope or seriousness or the factual basis upon which the allegations were founded.

The panel determined that in the interests of justice the teacher should have the allegations put clearly to him, and there was no prospect of the teacher's case being presented differently had the amendments been made at an earlier stage.

Given the above, it has been determined that no unfairness was caused to the teacher, and the amendments should be allowed.

### **Application to admit video evidence of Staff Member D**

On Day 3, the panel considered an application from the presenting officer to adduce evidence by video link of Staff Member D. Staff Member D had been a witness called at the hearing on Day 1. Since a freshly constituted panel had been convened for the resumed hearing, that panel wished to recall Staff Member D to ask questions of him. Despite the short notice for Staff Member D to be recalled, he was willing to give further oral evidence. However, since there were pressures on his time, the presenting officer made representations that it was most suitable and appropriate for Staff Member D to provide evidence by virtual means.

In considering the application, the panel noted that pursuant to paragraph 4.18 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 considered its discretion whether to allow Staff Member D to give evidence by video-link. In exercising that discretion, the panel balanced its obligation to ensure that Mr Rookwood was not put at an unfair disadvantage, as against the panel's duty in the public interest to investigate the allegations.

The panel also took into account that there may be subtleties of tone or body language that might be lost via the medium of video link. However, on balance, as a newly



constituted panel, it was of the view that in the interests of fairness to Mr Rookwood, further questions should be asked in relation to the amended charges and seek clarification on the previous evidence provided at Day One of the hearing.

The panel was satisfied on the evidence that there has been sufficient explanation as to how Staff Member D's work commitments would be a barrier to him attending in person at such short notice.

The panel decided to allow Staff Member D to give evidence by virtual means.

### **Application to adduce late evidence**

Mr Rookwood applied to admit a document labelled as his witness statement. The presenting officer made representations that the document was not signed, and that the purpose of the document was not clear. Mr Rookwood explained that the document provided background information.

The panel was advised that if a party wished to rely at the hearing on any document not served in accordance with the requirements set out the Procedures, such a document could only be admitted at the discretion of the panel. The panel was referred to paragraph 4.18 of the Procedures which states that 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 also advised that it may be that the document was to be used as an aide memoire, to assist it to follow Mr Rookwood's representations, rather than it being an evidential document. If so, it could be seen by the panel without it needing to consider whether to allow late evidence to be admitted.

The panel decided to accept the document by way of background information. Mr Rookwood produced a second version of the document, which he had signed, and the panel accepted that document, also, by way of background information.

### **Intervention by the Legal Adviser**

On Day Three of the hearing, in making the application to admit hearsay evidence as referred to above, the presenting officer stated that *"if my application fails as I expect it to, then the charges in relation to... that involve Staff Member B, Staff Member C and the ones that rely on the secondary evidence of Staff Member E, they would all fall away. And what we would be left with would be – would have to rely on the evidence insofar as it has come from [Staff Member D] who has already given evidence, and those touch and concern allegations 8, allegations 14, 15, 16 and 18g."*

Following the refusal of the presenting officer's application, the presenting officer made representations that he was not required to make an application to discontinue the balance of the allegations stating that *"when the time comes, you can make a decision about whether those – whether the charges or the allegations that would have required*

*the evidence, the hearsay evidence – whether they have been proven or not, and, I mean, it is obvious what that conclusion will have to be in light of your ruling on hearsay evidence.” and later, “It’s inconsistent with my application to invite the panel to make a ruling on hearsay, for me to then go on to make an application for discontinuance.” Later the presenting officer stated “You have already made a ruling in relation to hearsay evidence that effectively creates a situation where the only allegations for which there are factual considerations for the panel concerns allegations 8. 14, 15, 16 and 18g... And that follows naturally from the fact that there is no – the TRA’s not in a position to advance any evidence on the other charges because we were going to be relying on hearsay evidence and that application was denied.”*

Despite the presenting officer’s refusal to apply to discontinue the allegations (save for 8, 14, 15, 16 and 18.g) on Day Five, and following the conclusion of the TRA’s case, the legal adviser intervened to confirm that as a matter of law, there was insufficient evidence for a reasonable panel to find the allegations (save for 8,14, 15, 16 and 18.g) proven. The presenting officer’s own statements to the panel indicated that the TRA was advancing no evidence in support of the allegations other than allegations 8,14, 15, 16 and 18.g. In light of those assertions by the presenting officer and the TRA not having adduced a prima facie case, it was unfair for Mr Rookwood to have to address the allegations (save for 8, 14, 15, 16 and 18.g.) This intervention was made in order that Mr Rookwood could be clear as to the allegations he would need to address if he chose to give oral evidence, or in representations to the panel.

Allegation 1. 2. 3. 4. 5. 6. 7. 9. 10. 11. 12. 13. 17. 18a, b, c, d, e, f, h, i, j and k were therefore not to be considered by the panel.

### **Application for adjournment**

On Day Five, Mr Rookwood explained that he would like to seek legal representation and would require an adjournment to instruct a representative. It was explained to Mr Rookwood that if the application was accepted, it was unlikely that the hearing would conclude in the time available, but that a reasonable time would be given for Mr Rookwood to instruct a representative and for that person to become familiar with the case. The panel decided to exercise its power to adjourn the hearing under paragraph 4.54 of the Procedures, on the basis that it was fair and appropriate in the circumstances to do so. The panel had regard to the public interest in concluding hearings in a reasonable time, but that fairness required that Mr Rookwood have the opportunity to seek representation.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology, identification key and list of roles – pages 1 to 3

Section 2: Notice of hearing and response – pages 4 to 12

Section 3: Teaching Regulation Agency witness statements – pages 13 to 27

Section 4: Teaching Regulation Agency documents – pages 28 to 114

Section 5: Teacher documents – pages 115 to 118

The panel also received the following additional documents added to the bundle at Section 6:

Email exchange between DAC Beachcroft (firm instructing the presenting officer at the time) and Staff Member B dated 11 November 2019 – pages 119 to 120

Email exchange between TRA and Mr Rookwood dated 15 and 18 November 2019 – pages 121 to 122

Email from TRA to Mr Rookwood dated 22 November 2019 – page 123

The panel also received and read a bundle of documents associated with the TRA's intended application to proceed in the absence of Mr Rookwood, such application having transpired to be unnecessary given Mr Rookwood's attendance. That 54 page bundle was referred to as Document A.

The panel also received the document labelled as Mr Rookwood's statement.

Prior to Day 6, the panel received transcripts of the preceding hearings, a letter containing the original allegations against Mr Rookwood, and also a letter from Capsticks dated 28 November 2024 confirming that the allegations under consideration were confined to allegations 8, 14, 15, 16 and 18.g.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

## **Witnesses**

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

Staff Member D – [REDACTED].

Although Mr Rookwood attended, he decided not to give oral evidence.

## Decision and reasons

The panel announced its decision and reasons as follows:

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

On 1 September 2016, Mr Rookwood started working at the School as a cover supervisor through a supply agency. On 3 April 2017, Mr Rookwood commenced employment as a teacher at the School. On 8 May 2018, an investigation was commenced regarding allegations made against Mr Rookwood. On 23 May 2018, a disciplinary hearing took place and Mr Rookwood's employment terminated.

## 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:

### **Whilst employed or contracted to work at Lincoln University Technical College ("the School") between 31 August 2016 and 9 May 2018:**

- 8. On or before 8 May 2018, you behaved in an inappropriate and unprofessional manner, whether or not the acts were carried out during working hours or at his workplace, when you**
  - (a) Sent one or more unsolicited and intimate images or photos of yourself naked in which his penis was visible and erect, to a group of young women ("the Group") that you had met in a business context and/or**

Staff Member D stated that he had been informed by Staff Member B that Mr Rookwood had approached her because he believed that one or more of the Group were intending to raise a complaint and contact the School about his conduct. Staff Member D explained that an investigation was commenced quickly.

Staff Member D gave oral evidence that he met with Mr Rookwood on 8 May 2018 and asked Mr Rookwood a number of questions that related to the allegations that had been made. Staff Member D stated that Mr Rookwood confirmed that he had sexually explicit images on his phone and that he had shared these images with the young women in question. Staff Member D stated that Mr Rookwood had provided some additional details regarding the circumstances leading to this meeting with the three females in a hotel in Leeds, and that Mr Rookwood had sought to reassure Staff Member D that none of them were under the age of 18. He stated that Mr Rookwood had shown him a photograph of the three women. Staff Member D stated that Mr Rookwood had referred to the images having been on Snapchat and that the images disappeared having been sent.

The panel has seen the contemporaneous note of the meeting held between Staff Member D and Mr Rookwood which was consistent with the recollection of Staff Member D referred to above. The note records that Mr Rookwood had met the Group, who were new business associates, at a hotel in Leeds. The note states that Mr Rookwood had met the owner of the business on an aeroplane, and he agreed to undertake some design work for the brand, and that the meeting at the hotel in Leeds was the first occasion he had met the Group since the initial discussion on the aeroplane.

Staff Member D stated that one member of the Group had called the School. Having recognised her name as being one of the names Mr Rookwood had referred to, Staff Member D called her back. Staff Member D stated that he had spoken with her approximately a week to ten days after the investigation had commenced. The member of the Group confirmed to Staff Member D that Mr Rookwood had sent the photographic images of his erect penis. The member of the Group confirmed that the members of the Group were all adults.

In oral evidence, Staff Member D stated that the member of the Group had confirmed that neither she nor anyone else in the Group had asked Mr Rookwood to send the images to them or encouraged him to do so in any way. Staff Member D stated that he asked her to provide a statement, and she confirmed that she would, but he was aware that she was out of the country for a four week period thereafter, and the statement was never provided.

When recalled to give evidence, Staff Member D also stated that Mr Rookwood claimed that images that had been shared on a WhatsApp platform were no longer available because he had been ejected from the WhatsApp group by the Group and that this restricted his ability to see messages that had previously been shared. The contemporaneous note of the meeting also recorded this discussion.

Staff Member D also stated that Mr Rookwood had admitted that he had not been asked for the images that he had sent. There was no reference to this in the contemporaneous note.

Staff Member D was asked about the admissions made by Mr Rookwood during their conversation, and to recall exactly what Mr Rookwood had said. Staff Member D said to Mr Rookwood that he had been told that Mr Rookwood had shown pictures of his penis and Mr Rookwood said that he had. This was consistent with the note recording that Mr Rookwood had been told that there were concerns that Mr Rookwood had been involved in sending sexual images to the Group, and that Mr Rookwood had said that he had sent images of himself, but that this had been on his own time and not whilst at the School.

When Staff Member D was recalled to be asked further questions, he stated that he asked the member of the Group to describe the nature of the images. He stated that she confirmed that there were still images of Mr Rookwood's penis. Staff Member D confirmed that he had not asked the member of the Group to send copies of the images.

In the notes of the School's disciplinary meeting, Mr Rookwood stated that the note of his meeting with Staff Member D was not accurate as he had not confirmed he had images of himself on his phone. The accuracy of the contemporaneous note was not challenged in any other way.

The panel noted that the member of the Group who spoke with Staff Member D had not provided a witness statement, nor had she been called to give oral evidence for her evidence to be tested. The panel therefore considered whether Staff Member D's hearsay account of what the member of the Group had told him regarding the images sent to the Group was admissible. The panel noted that Staff Member D had not, himself, seen the images. The panel noted no explanation had been provided as to why the member of the Group had not been asked to provide a witness statement for the present professional conduct proceedings, nor why she was not present to give evidence.

However, the panel did not consider that the account of the member of the Group was the sole and decisive evidence in support of this allegation. In the contemporaneous note of the meeting with Mr Rookwood, he did not deny the allegation that he had sent sexual images to the Group and confirmed he had sent images of himself. His challenge to the allegation concerned whether he could be criticised for sending the images outside of school time, rather than the fact that the images were sent. He did not dispute the accuracy of the notes in this regard in the disciplinary meeting. In that meeting, the notes record that Mr Rookwood confirmed his behaviour was sexually explicit but had been in his own time.

The panel therefore considered that the hearsay evidence on this issue could be admitted, although the panel did not need to place significant weight upon it in light of Mr Rookwood's admissions during the School's investigation and disciplinary process.

As to whether the images were unsolicited, Staff Member D confirmed that he had been told this by the member of the Group and Mr Rookwood had admitted it to him. There were no contemporaneous notes to this effect. However, the panel was satisfied that Staff Member D's evidence was credible. He had attended the hearing to give evidence twice. His evidence had been largely consistent between his witness statement, both occasions he gave evidence and the contemporaneous notes. There was no suggestion that Staff Member D had anything to gain from giving evidence against Mr Rookwood. The panel considered it could place weight on Staff Member D's recollection, and that he had been told by the member of the Group and Mr Rookwood that the images had not been requested by the Group.

In light of the evidence referred to above, including the admissions of Mr Rookwood during the investigation meeting, the panel found it more probable than not that he sent one or more unsolicited and intimate images or photos of himself naked in which his penis was visible and erect, to the Group that he had met in a business context. That had to have taken place before 8 May 2018, since that was the date of the investigation meeting.

The panel found this allegation proven.

**14. Your conduct as set out in all or any of the allegations above that are found proved constitute a failure to observe a proper boundary appropriate to a teacher's professional position.**

The panel was concerned that Mr Rookwood had sent sexually explicit images to a Group, and that he had done so without such images being solicited by the Group. He ought to have understood that acting in such an inappropriate manner could undermine his position as a teacher.

The panel noted that Mr Rookwood's conduct came to light after he discussed what had taken place with Witness B, [REDACTED]. The panel considered that this indicated that Mr Rookwood was aware that his actions could cause issues from a professional perspective.

The notes of the disciplinary meeting record that Mr Rookwood was asked how damaging he believed the allegations would be to the School. Mr Rookwood responded initially to confirm that he believed it could "*massively*" affect the reputation of the School, hence the reason he came into School and spoke with a member of the staff as he was concerned. Mr Rookwood subsequently answered that since the behaviour was on his own time, it should not damage the School's reputation, and the images were sent via Snapchat so there should be no evidence of them. The panel did not consider that sending the images in a manner that there was no evidence of them, was a sufficient answer; they would still have been viewed by the Group. The panel also did not consider that the fact the images were sent in his own time, meant that his conduct was not reprehensible. His obligation to maintain high standards of ethics and behaviour applies to conduct outside of the School. The panel noted from *Wingate & Anr* and *SRA v Malins* that professional tribunals must not set unrealistically high standards and does not require professional people to be paragons of virtue. Nevertheless, the panel considered that it was not unrealistic to expect teachers to know that sending unsolicited sexually explicit images was a failure to observe proper professional boundaries.

The panel, therefore, found this allegation proven.

**16. Your conduct as set out in all or any of the allegations 1 – 13 above that are found proved constitute a failure to have proper and professional regard for the ethos, policies and practices of the School.**

The panel had regard to the School's Social Media Policy. This stated at paragraph 1.1 that the policy outlined the responsibilities of employees when accessing social media either personally or using it for college purposes.

Paragraph 2 explained that the aim of the policy was to manage organisational risks when social media was used for both business and personal use, and to ensure that the use is acceptable to avoid bringing the college into disrepute.

Paragraph 3.2 stated that “While it is recognised that employees are entitled to a private life, the UTC is committed to maintaining... professionalism at all times whilst also upholding its reputation by ensuring employees exhibit acceptable behaviours.”

Paragraph 9.2 stated that “While using social media in any capacity, employee’s actions can still damage the college’s reputation. When communicating either in a professional or personal capacity within or outside the workplace, employees must not conduct themselves inappropriately.” Various examples are given of inappropriate conduct. Those included “engaging in activities that have the potential to bring the college into disrepute”, “participating in any activity which may compromise your position at the college”, “behaviour that would not be acceptable in any other situation” and “doing anything that may conflict with the interests of the college.”

The policy went on to state that “employees will be held personally responsible for any material published on social media websites that compromise themselves, their colleagues and/or the college.”

The panel considered that the policy was clear that it governed teachers’ conduct inside and outside school, and the panel considered that the conduct found proven met the descriptions of inappropriate conduct given in the examples cited.

The panel, therefore, found this allegation proven.

**18. Your conduct set out in all or any of the following allegations that are found proved was sexually motivated:**

**g. Allegation 8**

The panel has found that Mr Rookwood shared an image with the Group in which his erect penis was visible. The panel noted that the state of Mr Rookwood’s mind could only be proved by inference or deduction from the surrounding evidence. Given that the images showed Mr Rookwood in a state of arousal, and in the absence of any justification for sending the picture, it was impossible to reach any other conclusion than that his motive was a sexual one. The panel considered that on the balance of probabilities, reasonable persons would think the actions found proven could be sexual and that it was more likely than not that his purpose was sexual. The panel found this allegation proven.

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

**8. On or before 8 May 2018, you behaved in an inappropriate and unprofessional manner, whether or not the acts were carried out during working hours or at his workplace, when you**



**b. Sent one or more unsolicited videos or other footage of yourself masturbating to the Group.**

The only evidence under consideration by the panel relevant to this issue was Staff Member D's written evidence that the member of the Group had told him that Mr Rookwood had sent to the Group "a video of him masturbating". The notes of the disciplinary meeting record that the member of the group had confirmed that Mr Rookwood had sent a video via social media.

In oral evidence, Staff Member D stated that during his investigation interview with Mr Rookwood he had "*asked him about him playing with himself*", and Mr Rookwood confirmed that he had done so. Staff Member D stated that Mr Rookwood admitted to video footage being part of what had occurred. However, this was not referred to in the contemporaneous note of the meeting.

Given that Staff Member D was relaying what he had been told by the member of the Group, who was not called to give evidence, the panel was concerned whether this evidence was admissible. The note of the interview with Mr Rookwood did not record him having been asked about this allegation. Mr Rookwood was not asked about the video in the disciplinary hearing. The panel therefore considered the hearsay evidence of the member of the group to be the sole and decisive evidence in support of this allegation. Since the panel was not able to test the evidence of the member of the Group, and there was no other corroborating contemporaneous evidence, the panel found this allegation not proven.

**15. By virtue of his conduct as set out in all or any of the allegations 1 – 13 above that are found proved he failed to maintain high standards of ethics and behaviour, within and outside school.**

Given that this allegation required the panel to find failures on the part of Mr Rookwood both within and outside school. However, there were no allegations remaining under consideration by the panel in relation to Mr Rookwood's conduct within school. The panel, therefore, 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 Rookwood in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Rookwood 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
  - ... building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - showing ... respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.

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 Rookwood fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Rookwood's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of sexual activity was relevant.

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

The panel noted that the allegations took place outside the education setting. The panel found that the sexually explicit images sent by Mr Rookwood were unsolicited and called into question his understanding of appropriate boundaries and the requirement to uphold the practices of the School. In those circumstances, his actions undermined the trust placed in him as a teacher, and the way in which he fulfilled his teaching role.

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

The panel went on to consider whether Mr Rookwood was guilty of conduct that may bring the profession into disrepute.

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.

In considering the issue of disrepute, the panel also considered whether Mr Rookwood's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of sexual activity was relevant.

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

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

The panel therefore found that Mr Rookwood's actions constituted 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 Rookwood 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 a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct; and whether prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

There was a strong public interest consideration in respect of the protection of other members of the public given that Mr Rookwood had sent an unsolicited sexually explicit

image to the Group, the members of which he had only recently met in a business context.

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

The panel considered that, in the circumstances of this case, prohibition strikes the right balance between the rights of the teacher and the public interest. Mr Rookwood was in his first years of teaching at the time of the misconduct, and the panel was concerned by Mr Rookwood's lack of insight signifying a risk of repetition in the future.

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 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; and

sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

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

In considering the factors relevant to mitigation referred to in the Advice:

Mr Rookwood's actions were deliberate.

There was no evidence to suggest that Mr Rookwood was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Rookwood's actions were sexually motivated.

There were no previous disciplinary findings against Mr Rookwood, but there was no evidence that he had otherwise demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.

Staff Member D stated in his written evidence that the School was quite small, and Mr Rookwood had been the only teacher of computer science. He stated that Mr Rookwood presented as an amiable, polite and very confident member of staff.

Staff Member D referred in oral evidence to having had occasion to speak with Mr Rookwood about his failure to comply with expectations and School policies regarding planning for lessons, marking, assessment of student's work and timekeeping. However, Mr Rookwood was not in formal capability proceedings, although there was an action plan in place.

No references were provided by Mr Rookwood attesting to his character or his teaching practice.

The panel gave credit to Mr Rookwood for having brought his misconduct to the attention of Witness B, [REDACTED], at that time, and that he had admitted having sent a sexually explicit image in the School's investigation and disciplinary proceedings.

Mr Rookwood also engaged with the present proceedings and maintained that engagement despite the proceedings continuing between 2019 and 2024. Mr Rookwood referred to the financial impact of his attendance at the hearings.

Although Mr Rookwood provided a document labelled as a witness statement, he did not provide any explanation for his misconduct, nor his reflections upon it. It was of concern to the panel that Mr Rookwood's view had been that since the conduct took place outside of School, it was not relevant to his role as a teacher. Mr Rookwood did not demonstrate any remorse for his conduct, nor any insight as to the impact sending the image would have had on those who received it, despite the sexually implicit image not having been solicited, and their only relationship being a business one. Mr Rookwood's representations focussed on the financial impact of attending the hearings, rather than providing any assurance as to the way he would behave in the future, if he was to teach again.

The panel recognised that these proceedings have taken a number of years to conclude, and because of that, the more punitive prohibition might appear to Mr Rookwood, even though the purpose of these proceedings is not intended to be punitive. However, the panel was concerned that despite this passage of time, Mr Rookwood continued to demonstrate no insight into his actions and provided the panel with no assurance regarding the risk of repetition.

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 Rookwood 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 Rookwood. The absence of any insight was a significant factor in forming that opinion, since the panel had no reassurance that there would be no repetition. 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 two years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel considered that the conduct found proved constituted serious sexual misconduct, that it was sexually motivated and that it had the potential to result in harm to those who received the image. However, it was not the case that Mr Rookwood had used his professional position to influence or exploit a person or persons, and no pupils were involved. Therefore, the panel did not consider that this was a situation in which the public interest weighed in favour of not offering a review period.

The panel did, however, consider that this was a situation in which a longer review period was indicated, given the absence of insight despite a period of some six years having passed since his misconduct. The panel considered that, in the circumstances of this case, a review period of ten years would have been appropriate. However, in recognition of the lapse of time that has occurred whilst these proceedings have concluded, the panel considered that a review period of eight years was appropriate.

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 provision for a review period after eight years.

## **Decision and reasons on behalf of the Secretary of State**

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

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

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

In this case, a number of allegations were either discontinued or judged by the panel to be not proven. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Rookwood 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
  - ... building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - showing ... respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are serious as they include a teacher sharing unsolicited sexually explicit images, including images in which his erect penis was visible.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a

prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Rookwood, 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 comments that:

“There was a strong public interest consideration in respect of the protection of other members of the public given that Mr Rookwood had sent an unsolicited sexually explicit image to the Group, the members of which he had only recently met in a business context.”

Elsewhere, the panel records hearing evidence confirming that the individuals with whom Mr Rookwood shared these images were all adults.

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows:

“Although Mr Rookwood provided a document labelled as a witness statement, he did not provide any explanation for his misconduct, nor his reflections upon it. It was of concern to the panel that Mr Rookwood’s view had been that since the conduct took place outside of School, it was not relevant to his role as a teacher. Mr Rookwood did not demonstrate any remorse for his conduct, nor any insight as to the impact sending the image would have had on those who received it, despite the sexually implicit image not having been solicited, and their only relationship being a business one. Mr Rookwood’s representations focussed on the financial impact of attending the hearings, rather than providing any assurance as to the way he would behave in the future, if he was to teach again.”

In my judgement, the lack of evidence of insight and/or remorse means that there is some risk of the repetition of this behaviour. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observes that: “Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Rookwood were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a



teacher sharing unsolicited explicit images of himself in this case and the impact that such a finding is likely to have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct 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 Rookwood himself. The panel notes that:

“There were no previous disciplinary findings against Mr Rookwood, but there was no evidence that he had otherwise demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.”

The panel also records that Mr Rookwood submitted no references attesting to his character or teaching ability.

A prohibition order would prevent Mr Rookwood 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 both the serious nature of the misconduct found and the panel’s comments concerning the lack of evidence insight or remorse.

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

In doing so, the panel has referenced the Advice as follows:

“The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel considered that the conduct found proved constituted serious sexual misconduct, that it was sexually motivated and that it had the potential to result in harm to those who received the image. However, it was not the case that Mr Rookwood had used his professional position to influence or exploit a person or persons, and no pupils were involved. Therefore, the panel did not consider that this was a situation in which the public interest weighed in favour of not offering a review period.”

The panel goes on to state that:

“The panel did, however, consider that this was a situation in which a longer review period was indicated, given the absence of insight despite a period of some six years having passed since his misconduct. The panel considered that, in the circumstances of this case, a review period of ten years would have been appropriate. However, in recognition of the lapse of time that has occurred whilst these proceedings have concluded, the panel considered that a review period of eight years was appropriate.”

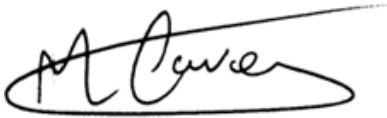
I have considered whether an eight-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that such a review period is sufficient and appropriate to achieve the aim of maintaining public confidence in the profession. These elements are serious nature of the misconduct found and the lack of evidence of either insight or remorse and the risk that this raises of a repetition. It is my judgment that, while recognising that his behaviour did not involve pupils, Mr Rookwood’s actions in sharing unsolicited explicit images of himself in which his erect penis was visible risks doing great damage to the standing of the profession.

I consider therefore that an eight-year review period is required to satisfy the maintenance of public confidence in the profession

**This means that Mr Nemiya Rookwood 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 10 December 2032, eight 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 Rookwood remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval.

**Decision maker: Marc Cavey**

**Date: 5 December 2024**

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