



Teaching
Regulation
Agency

Mr Matthew Bell: Professional conduct panel outcome

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

January 2025

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	5
Documents	5
Witnesses	6
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	16
Decision and reasons on behalf of the Secretary of State	20

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

Teacher: Mr Matthew Bell

Teacher ref number: 9358910

Teacher date of birth: 18 May 1972

TRA reference: 19647

Date of determination: 15 January 2025

Former employer: Sandhurst School, Owlsmoor Road, Sandhurst, Berkshire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 13 to 15 January 2025 by way of a virtual hearing, to consider the case of Mr Matthew Bell.

The panel members were Mr Martyn Stephens (lay panellist – in the chair), Mrs Pamela Thompson (lay panellist) and Mrs Susan Siesage (teacher panellist).

The legal adviser to the panel was Mr Nicholas West of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Louisa Atkin of Capsticks LLP solicitors.

Mr Bell was present and was represented by Mr Nicholas Kennan of Cornwall Street Barristers, instructed by Thompsons Solicitors.

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

Allegations

The panel considered the allegations set out in the notice of proceedings dated 27 September 2024.

It was alleged that Mr Bell was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at the Sandhurst School ('the School'):

1. In or around March 2020 he:
 - a. offered Pupil A his personal mobile telephone number;
 - b. sent one or more emails to Pupil A about meeting up at the School;
 - c. invited Pupil A to attend the School during a period of time when Pupil A was not eligible to attend the School in light of government guidelines relating to the Covid-19 pandemic;
 - d. attended the School gymnasium with Pupil A with no other staff or pupils present;
 - e. on one or more occasions, engaged in leg stretches with Pupil A which included:
 - i. touching Pupil A's leg or legs;
 - ii. placing his hand(s) on around Pupil A's stomach and/or hips;
 - iii. placing his hand(s) on around Pupil A's groin area;
 - iv. Pupil A's foot being positioned by him, near his groin area.
2. Between around 2019 to 2020, he gave Pupil B his personal mobile number;
3. In around January 2016 he attended the School Sports Hall and engaged in stretches with Pupil D which included touching Pupil D's leg.
4. His conduct at any or all of 1 to 3 above:
 - a. failed to observe a proper boundary appropriate to a teacher's professional position;
 - b. was sexually motivated.

Mr Bell admitted allegations 1(b), 1(c), 1(d), 1(e)(i), 2, 3 and 4(a), denied allegations 1(a), 1(e)(iii), 1(e)(iv) and 4(b) and denied allegation 1(e)(ii) stating he could not remember, as set out in his witness statement dated 11 December 2024.

Preliminary applications

Application to amend allegations

The presenting officer made an application to amend allegation 1(e)(iv) to delete the wording in square brackets. “[*to be amended on receipt of full School documentation, if required*]” which had been included in error.

The panel noted that Mr Bell’s instructing solicitors had been informed of the proposed change to this allegation prior to the hearing and there was no objection to the proposed amendment by Mr Bell’s representative at the hearing.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the ‘2020 Procedures’).

The panel considered that the proposed amendment would not change the nature and scope of the allegations in that the wording included in error was not factual or capable of proof. As such, the panel considered that the proposed amendment did not amount to a material change to the allegations.

The legal adviser drew the panel’s attention to the case of *Dr Bashir Ahmedsowida v General Medical Council [2021] EWHC 3466 (Admin), 2021 WL 06064095* which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of *Professional Standards Authority v Health and Care Professions Council and Doree [2017] EWCA Civ 319 at [56]*.

Accordingly, the panel did grant this application and considered the amended allegations, which are set out above.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 7
- Section 2: Notice of proceedings and response – pages 8 to 28

- Section 3: TRA witness statements – pages 29 to 61
- Section 4: TRA documents – pages 62 to 260
- Section 5: Teacher documents – pages 261 to 268.

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

The panel also viewed 14 video clips of CCTV footage both of and around the School's sports hall on 26 March 2020, in advance of the hearing.

Witnesses

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

- Witness A
- Pupil A
- Witness B
- Witness C

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 1996, Mr Bell commenced employment at the School.

In January 2016, Mr Bell was alleged to have assisted stretching with Pupil D. A LADO referral was made.

Between 2019 and 2020, Mr Bell allegedly gave Pupil B his personal phone number.

In March 2020, Mr Bell allegedly offered Pupil A his personal phone number.

In March 2020, Mr Bell sent an email to Pupil A inviting him to meet at the School. Mr Bell allegedly met Pupil A at the School and attended the School gymnasium with no other staff or pupils present, and engaged in assisted stretching with Pupil A.

On 3 April 2020, Mr Bell was suspended from the School.

On 4 November 2020, Mr Bell was dismissed from the School.

On 24 November 2020, the School referred concerns about Mr Bell to the TRA.

Findings of fact

The findings of fact are as follows:

1. In or around March 2020 you:

a) offered Pupil A your personal mobile telephone number;

The panel considered the oral evidence and written statement of Pupil A, who stated that on his last day of school Mr Bell “*offered me his personal number and said that if I ever needed help, I can contact him*”. Pupil A’s oral evidence was consistent at the hearing that Mr Bell had offered him his personal mobile number but he had declined the offer, preferring to correspond by email. The panel found Pupil A to be a compelling and truthful witness in his oral evidence at the hearing.

The panel noted contemporaneous documentary evidence regarding Pupil A’s disclosures to his [REDACTED] which stated, “*The student also advised that on the last day of school MJB offered the student his personal number*”. The panel was careful to note that this was hearsay evidence, but considered it supported Pupil A’s oral and written account and appropriate weight could therefore be given to it. The panel noted that this disclosure was undated but considered that it must be contemporaneous as an earlier paragraph stated, “*The student told his [REDACTED] that after the high jump session the other day...*” and this disclosure was included in the School’s investigation report dated 30 April 2020.

The panel considered the oral evidence and written statement of Witness C, who stated that she looked at CCTV footage for the day the Year 11 leaving assembly was held and saw Mr Bell waiting outside of the assembly for Pupil A. Witness C stated that Mr Bell appeared to call Pupil A into his office from the CCTV evidence, which is consistent with Pupil’s A’s account.

The panel considered the oral evidence and written statement of Mr Bell, which stated “*I deny this allegation. I did not offer my number*”. The panel further noted the more contemporaneous documentary evidence in the form of investigation interview notes between Witness A and Mr Bell dated 29 April 2020 and specifically, Mr Bell’s acceptance in the notes “*I I c, I can’t remember if I said contact my mobile*” when discussing Pupil A. The panel also noted during Mr Bell’s oral evidence at the hearing, he was asked if he is likely to be mistaken about his recollection of this incident and he responded, “*I don’t know*”.

In light of all of the available evidence, the panel concluded on the balance of probabilities, it was more likely than not that Mr Bell had offered Pupil A his personal

mobile telephone number in March 2020. The panel therefore found allegation 1(a) proven.

b) sent one or more emails to Pupil A about meeting up at the School;

The panel considered the oral evidence and written statement of Pupil A, who stated that Mr Bell “*had sent me an email asking if I wanted to attend the school and practice the high jump*”.

The panel noted documentary evidence of the emails between Pupil A and Mr Bell between 23 March 2020 and 26 March 2020. This included an email from Mr Bell to Pupil A on 26 March 2020 stating, “*Hi, [REDACTED] [sic] currently in school today. Don’t now if you want to come in later to do some high jump. Let me know... MJB*”.

The panel considered the oral evidence and written statement of Mr Bell, which stated he accepted emails were sent to Pupil A and they did discuss meeting arrangements.

In light of all of the available evidence, the panel was satisfied Mr Bell had sent one or more emails to Pupil A about meeting up at the School in March 2020 and therefore found this allegation proven.

c) invited Pupil A to attend the School during a period of time when Pupil A was not eligible to attend the School in light of government guidelines relating to the Covid-19 pandemic;

The panel considered the oral evidence and written statement of Pupil A, who stated that Mr Bell had invited him to attend the School “*shortly after the national lockdown and the government advice at the time was to social distance to prevent the spread of Covid-19*”.

The panel considered the oral evidence and written statement of Witness A who explained no pupils were allowed on the School’s site apart from the children of key workers who were working in a separate part of the School and “*Pupil A was not a keyworker pupil*”.

The panel noted documentary evidence of the emails between Pupil A and Mr Bell between 23 March 2020 and 26 March 2020. This included an email from Mr Bell to Pupil A on 24 March 2020 stating, “*Following the announcement last night I will not be coming into school on Wednesday as I am not on the staff rota for supervising any students coming in. At present not a good idea to have you in*”. The panel accepted that Mr Bell was referring to the Prime Minister’s announcement of a national lockdown and social distancing guidelines on the evening of 23 March 2020 in this email.

The panel considered the oral evidence and written statement of Mr Bell, which stated he accepted this was the wrong course of action as “*We had just gone into lockdown*”.

In light of all of the available evidence, the panel was satisfied Mr Bell had invited Pupil A to attend the School in March 2020 during a period of time when Pupil A was not eligible to attend the School in light of government guidelines and therefore found this allegation proven.

d) attended the School gymnasium with Pupil A with no other staff or pupils present;

The panel considered the oral evidence and written statement of Pupil A, who stated that he had attended the School for a 1 to 1 session with Mr Bell in the School's gymnasium and there were no other staff or pupils present due to the national lockdown. Pupil A's written statement states, "*I saw another PE teacher look through the window at me and the Teacher...At this point I started to realise that I should not have been in the School with the Teacher by myself*".

The panel considered the oral evidence and written statement of Mr Bell, who admitted this allegation, stating "*I was wrong to be alone with Pupil A and should not have asked him to attend*".

The panel also had sight of various CCTV clips from the School which supported the fact that Mr Bell and Pupil A were alone in the School gymnasium area until Witness B arrived.

In light of all of the available evidence, the panel was satisfied Mr Bell had attended the School gymnasium with Pupil A in March 2020 with no other staff or pupils present and therefore found this allegation proven.

e) on one or more occasions, engaged in leg stretches with Pupil A which included;

i. touching Pupil A's leg or legs;

The panel considered the oral evidence and written statement of Pupil A, who stated that Mr Bell "*began stretching me to prepare for the high jump*" and "*The Teacher touched my legs and hamstring muscles, asked if they were hurting*".

The panel considered the oral evidence and written statement of Mr Bell, who admitted this allegation, stating "*I did assist him with stretches*" suggesting this was because Pupil A had been suffering from some back and leg issues. In his oral evidence, Mr Bell confirmed during assisted stretching he would have positioned his hand on part of Pupil A's bone, either his "*knee or shin*".

In light of all of the available evidence, the panel was satisfied Mr Bell had on at least one occasion on 26 March 2020, engaged in leg stretches with Pupil A which included touching Pupil A's leg or legs and therefore found this allegation proven.

ii. placing your hand(s) on around Pupil A's stomach and/or hips;

The panel considered the oral evidence and written statement of Pupil A, who stated that during 1 to 1 sessions with Mr Bell *"He would take my hips and position them forward with his hand, whilst standing close to me..."*.

The panel considered the oral evidence and written statement of Mr Bell, who denied this allegation at the hearing as he stated he could not remember. Mr Bell's written witness statement dated 11 December 2024, stated *"I don't remember placing my hands on the hips"*.

The panel further considered the more contemporaneous documentary evidence in the form of investigation interview notes between Mr Southwood and Mr Bell dated 29 April 2020 and specifically, Mr Bell's acceptance in the notes *"MJB went on to explain the student stretches before his sport, he laid on his back, with his leg straight up in the air and MJB assisted the stretch by applying pressure to his foot. He then stretched by having one leg bent and MJB pushed down on the knee and hip"* when discussing Pupil A. The panel also noted during Mr Bell's oral evidence at the hearing, he was asked about his recollection of this allegation and he responded, *"I can't recall but, if I stated that there, I may well have done, yes"*.

In light of all of the available evidence, the panel was satisfied Mr Bell had, on at least one occasion on 26 March 2020, engaged in leg stretches with Pupil A which included placing his hand on Pupil A's hip and therefore found this allegation proven.

iii. placing your hand(s) on around Pupil A's groin area;

The panel considered the oral evidence and written statement of Pupil A, who stated that during 1 to 1 sessions with Mr Bell *"the Teacher would ask me to lay on my back and then push my legs back and side to side in a starfish position. He would place both of his hands very close to my groin area and push down"*. When discussing the incident on 26 March 2020, Pupil A's written statement states, *"The Teacher touched my legs and hamstring muscles, asked if they were hurting, and positioned his hands near my groin"*.

During Pupil A's oral evidence, he was asked what he meant by *"near my groin"* and Pupil A responded, *"Near my groin. His hands were sliding down my legs closer and closer to that area. His hands were inside my legs towards my bollocks/testicles"*. Pupil A was then asked to clarify *"How near?"* and he responded, *"Quite close. Very close"*. The panel considered Pupil A to be an honest and reliable witness who was not prone to exaggeration. It was clear to the panel that it was difficult and uncomfortable for Pupil A to disclose this information but the panel accepted that he had no reason to lie or mislead the panel about this incident. The panel considered Pupil A's recollection of this incident to be clear, despite the passage of time.

The panel further considered the more contemporaneous police interview notes which supported Pupil A's account stating, "*I was on my back and I was lifting my leg up. He kept moving his hand towards my groin. Too close to that area...When hand was too close to groin I was uncomfortable*". The panel was careful to note that this was hearsay evidence, but considered it supported Pupil A's oral and written account and appropriate weight could therefore be given to this evidence. The panel noted that this disclosure was undated but considered that it must be contemporaneous as it was included in the School's investigation report dated 30 April 2020.

The panel considered the oral evidence and written statement of Mr Bell, who vehemently denied this allegation. Mr Bell's written witness statement dated 11 December 2024, stated "*I did not place my hand on or near Pupil A's groin area*". In his oral evidence, Mr Bell accepted there was no reason he could suggest why Pupil A might not be telling the truth about running his hands down Pupil A's thighs towards his groin area and Mr Bell responded "*I can't recall. The incident happened five years ago. I don't see why he would lie but I don't see why I would lie*".

In light of all of the available evidence, the panel was satisfied on the balance of probabilities it was more likely than not that Mr Bell had, on at least one occasion on 26 March 2020, engaged in leg stretches with Pupil A which included placing his hands on Pupil A's groin area and therefore found this allegation proven.

iv. Pupil A's foot being positioned by you, near your groin area.

The panel considered the oral evidence and written statement of Pupil A, who stated when discussing the incident on 26 March 2020 that, "*I lay on my back and my foot was positioned by the Teacher's groin*". The panel noted that Pupil A's account was supported by a more contemporaneous disclosure to [REDACTED] which stated, "*The student informed her...that the student's foot was positioned near MJB's groin*". The panel noted that Pupil A's recollection of this incident during oral evidence was not clear and he accepted, "*I can't recall. I wouldn't have put my foot there*".

The panel considered the oral evidence and written statement of Mr Bell, who denied this allegation. Mr Bell's written witness statement dated 11 December 2024, stated "*I did not place Pupil A's foot near my groin area*". In his oral evidence, Mr Bell was consistent in his denial of this allegation stating, "*I was pushing down on his foot. His foot was nowhere near my groin area*".

In light of all of the available evidence, the panel was not satisfied on balance that it was more likely than not that Mr Bell had positioned Pupil A's foot near his groin area and therefore did not find this allegation proven.

2. Between around 2019 to 2020, you gave Pupil B your personal mobile number;

The panel considered the oral evidence and written statement of Witness C, who stated that she was informed by Pupil B's [REDACTED] that Pupil B had said he had been "trying to call Mr Bell" which he thought was odd and reported it. Witness C stated that she looked at the CCTV footage for the day the assembly was held and saw Mr Bell waiting outside of the assembly for Pupil B. Witness C stated that Mr Bell appeared to call Pupil B into his office which supported Pupil B's account of the incident.

The panel considered the evidence of Witness A who had a telephone call with Pupil B on 10 July 2020. Witness A stated that Pupil B confirmed during the telephone call "*MB wrote his mobile number on a piece of paper and gave it to Pupil B offering this as a point of contact*".

The panel considered the oral evidence and written statement of Mr Bell, who admitted this allegation, stating when they went into lockdown Pupil B had been speaking to him regarding his home life and personal issues. Mr Bell stated he, "*offered [his] number as well*", as Pupil B had also been offered the School's number. Mr Bell stated that he offered for Pupil B to contact him if he had any issues, he did not take their number and did not receive any calls from Pupil B.

In light of all of the available evidence, the panel was satisfied that Mr Bell had given Pupil B his personal mobile number in 2020 and therefore found this allegation proven.

3. In around January 2016 you attended the school sports hall and engaged in stretches with Pupil D which included touching Pupil D's leg;

The panel considered the oral evidence and written statement of Witness C, who stated that in 2016, Mr Bell was alone with Pupil D in the School's sports hall and had been carrying out physiotherapy style stretches on Pupil D, "*involving Mr Bell making physical contact with Pupil D's legs, stretching and pushing them*".

The panel considered the written statement of Mr Bell, who admitted this allegation, stating that Pupil D was struggling with back issues and they discussed several meetings with his [REDACTED] regarding rehabilitation. He stated that he assisted him with stretching but that it was never sexual in nature.

The panel further considered the contemporaneous LADO referral report dated 26 January 2016 which supported Witness C's evidence that concerns were raised about Mr Bell carrying out physiotherapy style stretches on Pupil D, involving Mr Bell "*making contact with Pupil D's legs and stretching and pushing his legs*".

In light of all of the available evidence, the panel was satisfied that Mr Bell had attended the School's sports hall and engaged in stretches with Pupil D which included touching Pupil D's leg in January 2016 and therefore found this allegation proven.

4. Your conduct at any or all of 1 to 3 above:

a) Failed to observe a proper boundary appropriate to a teacher's professional position;

The panel noted the oral evidence and written statement of Mr Bell who admitted that he had failed to observe proper boundaries appropriate to a teacher's professional position.

Mr Bell's written statement dated 11 December 2024 stated, "*On reflection, my actions were inappropriate and not in keeping with being a teacher and role model to students...As a teacher I did attend safeguarding courses as part of professional development but did not adhere to them as I should have done so. This was wrong and as an experienced teacher should have known better*".

The panel was in no doubt that Mr Bell had failed to observe proper boundaries in respect of the conduct that it found proven. The panel did not expect a teacher to be arranging or participating in repeated 1 on 1 sessions with a pupil in the School's gymnasium, nor should a teacher engage in assisting pupils to stretch or physically touch pupils when this was not necessary or appropriate.

The repetitive nature of Mr Bell's actions, following a warning and LADO referral in 2016 for similar conduct, and the fact that Pupil A was not supposed to be at the School due to government guidelines at the time, also led the panel to find that Mr Bell failed to observe proper boundaries in respect of his behaviour.

The panel determined that such conduct crossed the necessary and proper professional boundaries that must exist between a teacher and a pupil and, therefore, the panel found allegation 4(a) proven in respect of all of the conduct found proven.

b) Was sexually motivated.

The panel noted that Mr Bell denied this allegation.

The panel's attention was drawn to section 78 *Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that "*A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship*".

The panel also considered the judgment of the High Court and the Court of Appeal in the case of *The General Medical Council v Haris [2020] EHC 2518* and *Haris v The General Medical Council [2021] EWCA Civ 763*, respectively. In particular, that in order to determine sexual motive the panel is required to consider whether on a balance of

probability such motive is proved by inference or deduction from the surrounding evidence, including the absence of a plausible innocent explanation.

The panel considered that there was no plausible innocent explanation for Mr Bell's touching of Pupil A, that it had found proven in respect of the incident on 26 March 2020 and, in particular, its finding that Mr Bell had placed his hands on or around Pupil A's groin area.

The panel considered the surrounding evidence available relating to this incident to determine whether Mr Bell's actions may have been sexually motivated. In particular, the panel noted that Mr Bell knew that he should not have been engaging in this activity, following a previous warning from Witness C and LADO referral in 2016 for similar conduct.

The panel was concerned about the secret nature of the arrangements between Mr Bell and Pupil A on 26 March 2020, including Mr Bell asking Pupil A to meet him "*at the back door of the Gym*" so there was no record of Pupil A signing into the School and with the knowledge that Pupil A should not have been attending the School's premises during a national lockdown.

The panel noted the fact that there were no other staff members or pupils present at the time of the incident on 26 March 2020, and Witness B's encounter with Mr Bell on this day was only by chance which caused Mr Bell to appear "*flustered*".

The panel further noted Witness C's written evidence that Mr Bell had "*said goodbye to us all...he waved goodbye to us at approximately 12pm lunchtime, at the end of his time slot*" on this day indicating that Mr Bell was giving other staff members the impression that he was no longer going to be on School premises and Witness C's oral evidence at the hearing that the School's sports hall was secured and not accessible to students.

In the absence of a plausible innocent explanation, the panel concluded that, on the balance of probabilities, there was sufficient evidence from different sources to infer that Mr Bell's conduct in engaging in unnecessary physical contact with Pupil A was more likely than not to be sexually motivated. The panel therefore found allegation 4(b) proven in respect of Mr Bell's conduct found proven at allegations 1(e)(i) to (iii).

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

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

The panel was satisfied that the conduct of Mr Bell amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Bell’s conduct displayed behaviours associated with any of the offence types listed on pages 12 and 13 of the Advice.

This was a case involving the following offence that the Advice states is likely to be considered a relevant offence: sexual activity. 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 more likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1(a), 1(b), 1(c), 1(d), 1(e)(i) to (iii), 2, 3, 4(a) and 4(b) based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

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

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The findings of misconduct are serious, and it is clear and plain that the conduct displayed would have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of allegations 1(a), 1(b), 1(c), 1(d), 1(e)(i) to (iii), 2, 3, 4(a) and 4(b) proved, the panel further found that Mr Bell's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

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

In light of the panel's findings against Mr Bell, which involved offering pupils his personal mobile telephone number, sending emails to a pupil to meet up at the School during a time when that pupil was not eligible to attend the School due to government guidelines, attending the School gymnasium with a pupil with no other staff or pupils present, engaging in unnecessary physical contact with pupils including touching their legs and, in

respect of one pupil, touching their hip and groin area, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

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

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Bell. The panel was mindful of the need to strike the right balance between the rights of Mr Bell and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Bell. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- 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;
- 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); and
- violation of the rights of pupils.

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

There was no evidence that Mr Bell's actions were not deliberate. Based on the available evidence, the panel found Mr Bell's actions on 26 March 2020 to be intentional and planned.

There was no evidence that Mr Bell was acting under extreme duress.

There was no evidence that Mr Bell demonstrated exceptionally high standards in both personal and professional conduct, nor that he has contributed significantly towards the education sector.

The panel considered that there was a lack of insight and remorse on the part of Mr Bell. The panel noted some level of insight in Mr Bell's written statement dated 11 December 2024 when he confirmed that his conduct was "*not appropriate*", "*the wrong course of action*", "*foolish*", "*not the way I should have behaved*" and "*wrong and not becoming of a teacher*". The panel considered Mr Bell had shown limited remorse regarding his actions and, in particular, a failure to recognise the impact that this may have had on the affected pupils. Mr Bell's statement states, "*I fully regret the action and allegation as it has ended my teaching career*" and there is only a passing comment to the impact on others, "*I am sorry for the impact it has had on both Pupils, the school I was teaching at and the reputation of the teaching profession*". Mr Bell chose not to reiterate or expand upon his insight or remorse during his final submissions in the hearing, save for admitting his actions were "*stupid*".

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 Bell 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 Bell. The repeated nature of Mr Bell's unacceptable professional conduct and the panel's findings of fact that Mr Bell engaged in unnecessary physical contact with Pupil A which included placing his hands around Pupil A's groin area was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given

case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Bell's conduct in engaging in unnecessary physical contact with Pupil A was more likely than not to be sexually motivated, had the potential to result in harm to Pupil A and Mr Bell had used his professional position as a teacher to influence Pupil A into meeting him alone. In light of this finding, the panel was also satisfied that Mr Bell's conduct amounted to sexual misconduct involving a child as Pupil A was under 18 years old at the date of the incident.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found none of these behaviours to be relevant.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (including allegation 1.e (iv)), I have therefore put those matters entirely from my mind.

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

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

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

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

The findings of misconduct are particularly serious as they include a finding of offering pupils his personal number, sending emails to meet when that pupil was not eligible to attend the School, attending the School Gym with a pupil with no other staff or pupils present and unnecessary physical contact with a pupil, conduct found to be sexually motivated.

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 publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Bell, 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 light of the panel's findings against Mr Bell, which involved offering pupils his personal mobile telephone number, sending emails to a pupil to meet up at the School during a time when that pupil was not eligible to attend the School due to government guidelines, attending the School gymnasium with a pupil with no other staff or pupils present, engaging in unnecessary physical contact with pupils including touching their legs and, in respect of one pupil, touching their hip and groin area, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered that there was a lack of insight and remorse on the part of Mr Bell. The panel noted some level of insight in Mr Bell's written statement dated 11 December 2024 when he confirmed that his conduct was "*not appropriate*", "*the wrong course of action*", "*foolish*", "*not the way I should have behaved*" and "*wrong and not becoming of a teacher*". The panel considered Mr Bell had shown limited remorse regarding his actions and, in particular, a failure to recognise the impact that this may have had on the affected pupils. Mr Bell's statement states, "*I fully regret the action and allegation as it has ended my teaching career*" and there is only a passing comment to the impact on others, "*I am sorry for the impact it has had on both Pupils, the school I was teaching at and the reputation of the teaching profession*". Mr Bell chose not to reiterate or expand upon his insight or remorse during his final submissions in the hearing, save for admitting his actions were "*stupid*"." In my judgement, the lack of full insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bell was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexually motivated conduct 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 or 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 Bell himself and the panel comment “There was no evidence that Mr Bell demonstrated exceptionally high standards in both personal and professional conduct, nor that he has contributed significantly towards the education sector.”

A prohibition order would prevent Mr Bell 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:

“There was no evidence that Mr Bell’s actions were not deliberate. Based on the available evidence, the panel found Mr Bell’s actions on 26 March 2020 to be intentional and planned.”

“There was no evidence that Mr Bell was acting under extreme duress.”

I have also placed considerable weight on the finding that “The panel decided that the public interest considerations outweighed the interests of Mr Bell. The repeated nature of Mr Bell’s unacceptable professional conduct and the panel’s findings of fact that Mr Bell engaged in unnecessary physical contact with Pupil A which included placing his hands around Pupil A’s groin area was a significant factor in forming that opinion.”

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Bell's conduct in engaging in unnecessary physical contact with Pupil A was more likely than not to be sexually motivated, had the potential to result in harm to Pupil A and Mr Bell had used his professional position as a teacher to influence Pupil A into meeting him alone. In light of this finding, the panel was also satisfied that Mr Bell's conduct amounted to sexual misconduct involving a child as Pupil A was under 18 years old at the date of the incident."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of full insight or remorse

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

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

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

Mr Bell 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.



Decision maker: Sarah Buxcey

Date: 21 January 2025

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