



Teaching  
Regulation  
Agency

# **Mr Andrew Nicolaides: Professional conduct panel outcome**

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

**February 2025**

## Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	8
Documents	8
Witnesses	9
Decision and reasons	9
Findings of fact	10
Panel's recommendation to the Secretary of State	21
Decision and reasons on behalf of the Secretary of State	24

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

<b>Teacher:</b>	Mr Andrew Nicolaides
<b>Teacher ref number:</b>	1234479
<b>Teacher date of birth:</b>	15 October 1980
<b>TRA reference:</b>	19478
<b>Date of determination:</b>	13 February 2025
<b>Former employer:</b>	Bluecoat Beechdale Academy, Nottingham

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 10 to 13 February by way of a virtual hearing, to consider the case of Mr Andrew Nicolaides.

The panel members were Mr Ian Hylan (teacher panellist – in the chair), Mrs Hannah Foster (teacher panellist) and Mrs Shabana Robertson (lay panellist).

The legal adviser to the panel was Miss Eleanor Bullen-Bell of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Charles Drinnan on behalf of Kingsley Napley LLP solicitors.

Mr Nicolaides was not present and was not represented.

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 November 2024, as amended during the hearing.

It was alleged that Mr Nicolaides was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Bluecoat Beechdale Academy:

1. Between 2012 and 2016, he failed to maintain appropriate professional boundaries with Pupil C, in that:
  - a. Whilst Pupil C was a student, he touched and/or stroked Pupil C's leg and/or thigh;
  - b. Whilst Pupil C was a student, he hugged Pupil C on one or more occasions;
  - c. Whilst Pupil C was a student, he disclosed to Pupil C the information within Schedule A;
  - d. Whilst Pupil C was a student he asked Pupil C on one or more occasions to come to his house when he knew or ought to have known that this was inappropriate;
  - e. Whilst Pupil C was a student, after receiving a present from Pupil C he told Pupil C he 'wanted to kiss her' or words to that effect;
  - f. After Pupil C had left the School, he told Pupil C she shouldn't be having sex with her boyfriend but with him;
  - g. He exchanged messages with Pupil C via Facebook Messenger whilst she was at school and/or after she had left school;
  - h. Whilst Pupil C was a student, he accepted one or more presents from Pupil C.
2. On unknown dates, between 2012 and 2016 he sent messages of an inappropriate nature to Pupil C on social media, including:
  - a. Telling Pupil C she was 'beautiful' or words to that effect;
  - b. Requesting Pupil C come and wash his car at his house or words to that effect;
  - c. Suggesting that if he had a water fight it would be like a 'wet t-shirt competition' or words to that effect;
  - d. Telling Pupil C 'I've missed you';

- e. 'I would want to hug and kiss you';
  - f. In response to the message 'should probably go bed soon' you stated 'wish I could join u x'.
3. Between 2010 and 2015, he made inappropriate comments to one or more pupils, in that he:
- a. Told one or more pupils that when girls crossed their legs and pushed their skirts down, they were sexually frustrated or words to that effect.
4. By reason of his behaviour from July 2014 onwards in respect of Pupil C, he failed to follow advice issued to him on or around 16 July 2014, in terms of maintaining professional standards.
5. On a date or dates prior to 28 May 2020, he:
- a. Made searches relating to having sex with students; and/or
  - b. Accessed pornographic material with themes relating to teachers and/or school girls.
6. His behaviour as set out at allegations 1 and/or 2 and/or 3, and/or 5 above was:
- a. Sexually motivated; and/or
  - b. Sexual in nature.

#### Schedule A

- i. [REDACTED]
- ii. [REDACTED]

Mr Nicolaides denied the allegations, as set out in the response to the notice of proceedings form, signed by Mr Nicolaides but undated.

## **Preliminary applications**

### Application to proceed in the absence of the teacher

Mr Nicolaides was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Nicolaides.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the

case of *R v Jones [2003]* (as considered and applied in subsequent cases, particularly *General Medical Council v Adeogba [2016]*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Nicolaides in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the 'Procedures').

The panel considered a bundle of documents produced by the presenting officer for the TRA, which included the TRA's correspondence with Mr Nicolaides and his trade union representation for the purpose of confirming that the requirements of service had been complied with by the TRA. The bundle firstly highlighted that, on 6 January 2025 via email, Mr Nicolaides' trade union representative confirmed Mr Nicolaides' agreement to the bundle provided on 27 November 2024, which indicated that the evidence bundle had been disclosed to Mr Nicolaides.

The panel also considered an email from Mr Nicolaides' trade union representative dated 9 January 2025 which attached Mr Nicolaides' signed, but undated, notice of proceedings form.

The panel further noted Mr Nicolaides undated written statement, which expressly stated that he refuted the allegations and that he would not be engaging with the TRA process. This statement was provided by Mr Nicolaides' trade union representative on 13 January 2025 and the text of the email confirmed that neither Mr Nicolaides nor his trade union representative would be attending this hearing.

The panel concluded that Mr Nicolaides absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Nicolaides had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Nicolaides was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay both in respect of vulnerability and the length of time since the allegations.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Nicolaides was neither present nor represented.

#### Application for part of the hearing to be heard in private

The panel considered an application from the presenting officer that part of the hearing [REDACTED] should be heard in private.

The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, particularly the key principles set down in the case of *Miller v General Medical Council [2013]* (which referred to the case of *R v Legal Aid Board Ex p Kaim Todner [1998]*). The panel considered that Mr Nicolaides had not chosen to initiate these proceedings so had a greater legitimate interest in a claim to protection, bearing in mind that Mr Nicolaides was neither present nor represented to ask for such protection.

The panel considered that the areas covered in the application legitimately related to aspects of Mr Nicolaides' [REDACTED], and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application for part of the hearing [REDACTED] to be heard in private.

#### Application for the statement of a witness to be admitted as hearsay

The presenting officer made an application that the statement of Individual A and the relevant appendices of this statement to be admitted as hearsay evidence in the absence of the witness. [REDACTED].

After receiving submissions from the presenting officer and receiving legal advice, the panel made the following decision.

The panel carefully considered the submissions made in determining whether it would be fair to admit the statement as hearsay evidence. The panel noted that the evidence of the witness was not the sole and decisive evidence in relation to the allegations but added contextual understanding to the case. Regarding this, the panel noted that Individual A's evidence related to the School's investigation of the issues, which it must not be unduly influenced by in any event, and that Individual A had never met Mr Nicolaides. Furthermore, the evidence was not such that the panel felt that it would be unable to test its reliability in the absence of the witness. The panel concluded that the balance of fairness was not against admitting the statement as hearsay evidence. Accordingly, the statement of the witness was admitted and considered in the panel's deliberations.

#### Application to amend allegations

On the presenting officer's suggestion, the panel considered amending the date range from 2005 and 2020 to 2010 to 2015 in allegation 3.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the Procedures.

The panel noted that Mr Nicolaides had not been informed of the proposed changes to the allegations. However, the panel considered that the proposed amendments would not change the nature and scope of the allegations in that the date range of allegation 3 would be reduced in line with the evidence produced in the bundle. As such, the panel considered that the proposed amendments 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]* 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]*.

The panel was also of the view that granting the proposed amendments would not cause unfairness or prejudice to Mr Nicolaides. This was because the amendment reduced the scope of the allegations, which Mr Nicolaides had already been informed of and had the opportunity to respond to. The panel noted that this would not cause any detriment to Mr Nicolaides.

Accordingly, the panel decided to make this amendment 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 15
- Section 3: TRA witness statements – pages 16 to 45
- Section 4: TRA documents – pages 46 to 300
- Section 5: Teacher documents – page 301



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

## Witnesses

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

- Witness B, [REDACTED]; and
- Pupil 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 2004, Mr Nicolaidis commenced employment at a school that was later renamed to Bluecoat Beechdale Academy ('the School').

Pupil C alleged that between 2012 and 2016, Mr Nicolaidis communicated with her on Facebook Messenger whilst she was a pupil at the School and after she had left the School. Pupil C also alleged that during this time that Mr Nicolaidis would accept gifts from her, [REDACTED], hug her, touch and stroke her leg and/or thigh and make inappropriate comments to her and other pupils.

On 16 July 2014, Mr Nicolaidis was issued with a formal written warning by the School as the School held that he had allowed Pupil C to spend an excessive period of time alone with him in his classroom, allowed her privileges, and failed to maintain the essential professional relationship boundaries between a teacher and pupil.

In November 2019, after Pupil C had left the School and education, she contacted the School to make a disclosure. She spoke to Individual D, [REDACTED] at the School, regarding concerns related to Mr Nicolaidis conduct towards her between 2010 and 2016. The School suspended Mr Nicolaidis on 21 November 2019 and referred the matter to the Local Authority Designated Officer ('LADO'). The School begun its investigation into Mr Nicolaidis misconduct in December 2019. The police also started their investigation into the allegations against Mr Nicolaidis at this time.

On 27 May 2020, Mr Nicolaidis was arrested by the police and his electronic devices were seized.

On 29 June 2020, Mr Nicolaidis resigned from the School.

On 20 July 2020, the School completed its disciplinary investigation and hearing into Mr Nicolaides misconduct.

On 25 August 2020, the School referred the matter to the TRA.

On 23 March 2021, the results of the police's interrogation of Mr Nicolaides' devices were logged on an occurrence report.

On 2 May 2021, the police concluded their criminal investigation and confirmed to Mr Nicolaides that the matter had been investigated and deemed that "*no further action*" should be taken.

## Findings of fact

The findings of fact are as follows:

The panel heard from the witnesses identified above. Mr Nicolaides did not provide any substantive written evidence for the panel to consider. The panel noted there were other possible sources in the evidence, to attempt to understand Mr Nicolaides position in relation to the allegations, including the School's investigation, the LADO report and the police investigation.

In summary, the witnesses called on behalf of the TRA provided written statements prior to the hearing, in which they also gave live evidence. In each instance, their accounts followed a cohesive internal logic and the panel considered that the surrounding documentary evidence was consistent. The panel could not identify any features of their evidence which suggested it was unreliable or not credible nor had Mr Nicolaides provided a contradictory account to the panel.

The panel also considered an application by the TRA to draw an adverse inference, following Mr Nicolaides failure to give evidence at the hearing. The TRA submitted the test from the leading authority of *R (Kuzmin) v General Medical Council [2019]* had been satisfied. The panel followed the advice from the independent legal adviser in determining this issue and considered the four limbs set out in the case:

(1) The panel was satisfied, as a matter of law, there was a prima facie case to answer in this case.

(2) The panel's attention was drawn to the notice of hearing (sent on 27 November 2024), which purported to put Mr Nicolaides on notice and warned him about a potential adverse inference being drawn if he failed to give evidence. The panel was satisfied that the content of this notice, including the warnings were sufficient to be considered as adequate notice under this limb of the test. The panel was further satisfied that adequate opportunity had been provided to Mr Nicolaides to provide evidence if he wished to and

that no procedural unfairness would arise to him if the panel did not pause the proceedings to provide a further opportunity.

(3) The panel was not provided with any explanation as to why Mr Nicolaides could not provide evidence to the panel. In the circumstances, the panel was satisfied there was no reasonable explanation for him not giving evidence.

(4) The panel was not able to identify any other factors which might suggest that it would be unfair to draw an adverse inference in light of Mr Nicolaides failure to give evidence in this case.

Accordingly, the panel found this to be a case where an adverse inference could be drawn in light of Mr Nicolaides' failure to engage with the TRA or give evidence.

The following sets out the panel's findings of fact in respect of each particular allegation in turn:

**1. Between 2012 and 2016, you failed to maintain appropriate professional boundaries with Pupil C, in that:**

**a. Whilst Pupil C was a student, you touched and/or stroked Pupil C's leg and/or thigh;**

The panel considered Pupil C's oral evidence, written statement and police interview notes. In Pupil C's oral evidence, she explained two situations where Mr Nicolaides touched her in his classroom which she alleged both happened on multiple occasions. Pupil C firstly explained that if she was sat at a student computer desk and Mr Nicolaides came over to assist her with her work at her computer screen, he would deliberately have his leg pressed against her leg if he was sat down next to her, or would be pressed up against the chair behind. In the second situation, Pupil C stated that Mr Nicolaides stroked her leg and/or thigh on top of her tights and skirt when she was sat alongside him at his desk. Pupil C reported that Mr Nicolaides' desk obscured the view of other students in the classroom. The panel noted that Pupil C's oral account was consistent with the documentary evidence.

The panel considered there was sufficient evidence to find that Mr Nicolaides had touched and/or stroked Pupil C's leg and/or thigh between 2012 and 2016 and had therefore failed to maintain appropriate professional boundaries with Pupil C.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, the panel found allegation 1(a) proven.

**b. Whilst Pupil C was a student, you hugged Pupil C on one or more occasions;**

The panel considered the oral evidence and written statement of Pupil C. She stated that she and Mr Nicolaides hugged in his classroom, the fire exit and laptop bank room in his

classroom, where there was no CCTV. Pupil C submitted that they regularly hugged, on almost a daily basis, and it would often be when she stayed late after school. She explained that it would often be the case that she would leave to go home, and he would say “*can I have a hug then?*” or “*come here*”.

Pupil C described in detail the type of hugs she and Mr Nicolaides shared during her oral evidence. By way of example, she stated that they were “*long hugs*” with their arms around one another, her head resting on his chest, and his head resting on hers. Pupil C explained that it felt like she had “*sunken into him*” and could smell his aftershave. On other occasions, Pupil C explained that if she needed to go, they had a “*quick goodbye hug*”.

The panel observed the reference to hugging within the undated screenshots of Pupil C and Mr Nicolaides’ messages on Facebook Messenger.

The panel also noted that when Mr Nicolaides was asked in a police interview if he ever hugged Pupil C he said that she tried to hug him and it was “*not a proper hug*”.

The panel found Pupil C’s written statement and oral evidence convincing and consistent. The panel noted the level of detail she provided and observed that her account had remained unchanged since the allegations were first made.

The panel considered there was sufficient evidence to find that Mr Nicolaides hugged Pupil C on more than one occasion between 2012 and 2016 and therefore failed to maintain appropriate professional boundaries with Pupil C.

The panel found allegation 1(b) proven.

**c. Whilst Pupil C was a student, you disclosed to Pupil C the information within Schedule A;**

The panel considered the oral evidence and written statement of Pupil C, [REDACTED].

The panel considered there was sufficient evidence to find that Mr Nicolaides disclosed information about [REDACTED] as stated under Schedule A(i) of this allegation and therefore failed to maintain appropriate professional boundaries with Pupil C. However, the panel did not consider that there was sufficient evidence to demonstrate that Mr Nicolaides discussed [REDACTED].

The panel therefore found allegation 1(c) partially proven.

**d. Whilst Pupil C was a student you asked Pupil C on one or more occasions to come to your house when you knew or ought to have known that this was inappropriate;**

The panel considered the oral evidence and written statement of Pupil C, who stated that Mr Nicolaides asked her through a Facebook message to go to his house, clean his car and provided her with his address. The panel also noted the summary of Pupil C's police interview which stated that she confirmed that he asked her to come to his house on at least four occasions. Pupil C confirmed that she did not go to Mr Nicolaides house. The panel drew particular attention to the fact that Pupil C confirmed during her oral evidence that she could still recall Mr Nicolaides' home address. Pupil C also disclosed this to the police when interviewed in 2020.

The panel considered there was sufficient evidence to find that Mr Nicolaides asked Pupil C on one or more occasions to come to his house when he knew or ought to have known that this was inappropriate and therefore failed to maintain appropriate professional boundaries with Pupil C.

The panel therefore found allegation 1(d) proven.

**e. Whilst Pupil C was a student, after receiving a present from Pupil C you told Pupil C you 'wanted to kiss her' or words to that effect;**

The panel considered the oral evidence and written statement of Pupil C. She stated that she bought Mr Nicolaides presents, and that on one occasion she bought him a Christmas present and he responded, "*oh I just want to kiss you right now*". Pupil C confirmed that she did not kiss Mr Nicolaides as she subconsciously knew it was wrong, but comments like these made her feel like they were in a relationship. The panel considered that Pupil C gave a consistent and cogent account in relation to this allegation.

In addition, the panel considered the undated screenshots of Pupil C and Mr Nicolaides' messages on Facebook Messenger, which highlighted that this language was consistent with his other behaviours as he messaged her "*I would want to hug and kiss u*".

The panel held there was sufficient evidence to find that Mr Nicolaides told Pupil C he wanted to kiss her or words to that effect and therefore failed to maintain appropriate professional boundaries with Pupil C.

The panel therefore found allegation 1(e) proven.

**f. After Pupil C had left the School, you told Pupil C she shouldn't be having sex with her boyfriend but with you;**

The panel considered the notes from the police interview with Pupil C and noted that she stated that Mr Nicolaides had made a verbal comment when she saw him during volunteering at the School in or around 2016. Pupil C reported that Mr Nicolaides told her she should "*not have sex with her boyfriend, but with him instead*". However, the panel

could not find any evidence that this escalation to discussing sex had been discussed between Mr Nicolaides and Pupil C.

The panel did not consider that sufficient evidence had been produced to demonstrate that Mr Nicolaides told Pupil C that she should not be having sex with her boyfriend, but with him.

The panel therefore found allegation 1(f) not proven.

**g. You exchanged messages with Pupil C via Facebook Messenger whilst she was at school and/or after she had left school;**

The panel had sight of screenshots of the Facebook Messenger messages between Mr Nicolaides and Pupil C that she had not deleted.

The panel considered the oral evidence and written statement of Pupil C, who stated that she communicated with Mr Nicolaides via Facebook Messenger on a daily basis from when she was in year 8 and they would often exchange selfies. The panel assessed the weight and reliability of the evidence and, on the balance of probabilities, found it more likely than not that Pupil C and Mr Nicolaides had messaged via Facebook Messenger whilst she was attending the School, based on the content of the screenshots from or around 2016. The panel noted that the language used in the screenshot messages suggested that Pupil C and Mr Nicolaides had made contact prior to 2016.

The panel held there was sufficient evidence to find that Mr Nicolaides exchanged messages with Pupil C via Facebook Messenger whilst she was at school and/or after she had left school and therefore failed to maintain appropriate professional boundaries with Pupil C.

The panel therefore found allegation 1(g) proven.

**h. Whilst Pupil C was a student, you accepted one or more presents from Pupil C.**

The panel considered the oral evidence and written statement of Pupil C, who stated that she would often buy Mr Nicolaides presents, including a Pitch Perfect CD, a dog toy, sweets, chocolates and other small things that reminded her of him but could not recall all of them. In oral evidence, Pupil C was able to explain the personal meaning behind these gifts and that she felt they were in a relationship. The panel noted that Pupil C also stated that these were given to him on the School's premises after the school day. Pupil C stated that when he accepted the Pitch Perfect CD and a dog toy he said he wanted to kiss her, but she said they couldn't and so they just hugged.

The panel also considered the summary of Mr Nicolaides' police interview where he confirmed that Pupil C brought him chocolates.

The panel recognised that it was appropriate for a teacher to accept a small thank you gift, but this went well beyond the accepted level as the gifts had a personal meaning and happened on several occasions. The panel also noted the School's code of conduct which stated: *"There are occasions when students or parents wish to pass small tokens of appreciation to staff, e.g. at Christmas or as a thank-you... However, it is unacceptable to receive gifts on a regular basis"*.

The panel held there was sufficient evidence to find that Mr Nicolaides accepted one or more presents from Pupil C whilst she was a student and had therefore failed to maintain appropriate professional boundaries with Pupil C.

The panel therefore found allegation 1(h) proven.

To summarise, the panel found particulars (a), (b), (d), (e), (g) and (h) of allegation 1 fully proven against Mr Nicolaides. The panel found allegation 1(c) partially proven against Mr Nicolaides for the reasons stated above.

**2. On unknown dates, between 2012 and 2016 you sent messages of an inappropriate nature to Pupil C on social media, including:**

- a. Telling Pupil C she was 'beautiful' or words to that effect;**
- b. Requesting Pupil C come and wash your car at your house or words to that effect;**
- c. Suggesting that if you had a water fight it would be like a 'wet t-shirt competition' or words to that effect**
- d. Telling Pupil C 'I've missed you'**
- e. "I would want to hug and kiss you"**
- f. In response to the message 'should probably go bed soon' you stated 'wish I could join u x'**

The panel had sight of screenshots of the Facebook messages between Mr Nicolaides and Pupil C, and noted that Mr Nicolaides sent the following messages:

- *"Course ur beautiful"*
- *"I've seen ur beautiful smile"*
- *"I would I've missed you"*
- *"I would want to hug and kiss you"*

- In response to Pupil C's message "*should probably go to bed soon*", Mr Nicolaides messaged her "*Wish I could join you x*"

The panel considered the oral evidence and written statement of Pupil C, who stated that she still had some of the Facebook messages between her and Mr Nicolaides. She stated that he commented that he wanted to hug and kiss her, and asked when he would get to see her next. Pupil C stated that he commented that she was "*beautiful*", and that when she stated she was going to bed he replied, "*wish I could join you*".

The panel considered the summary of Mr Nicolaides' police interview where he admitted that he may have said "*you are an attractive young lady*" to Pupil C.

The panel also took into account the oral evidence and written statement of Witness B, who stated that Individual D provided her with a number of screenshots following her meeting with Pupil C on the 15 November 2019 and explained that Mr Nicolaides had been messaging Pupil C on Facebook, making inappropriate comments saying to Pupil C that she had a "*beautiful smile*" and that he wished he could join her in her bed.

Additionally, the panel considered the oral evidence, written statement and police interview of Pupil C, which consistently stated that Mr Nicolaides asked her via Facebook message to come to his house to wash his car and it would be like a wet t-shirt competition. Pupil C stated that Mr Nicolaides asked her through a Facebook message to go to his house and clean his car. Pupil C confirmed that he provided her with Mr Nicolaides address but that she did not go to his house.

Taking the above examples into account, the panel was satisfied that there was sufficient evidence to find that between 2012 and 2016 Mr Nicolaides sent messages of an inappropriate nature to Pupil C on Facebook Messenger.

The panel therefore found all of the particulars of allegation 2 proven.

### **3. Between 2010 and 2015, you made inappropriate comments to one or more pupils, in that you:**

- a. Told one or more pupils that when girls crossed their legs and pushed their skirts down, they were sexually frustrated or words to that effect.**

The panel considered Pupil C's oral evidence, written statement and police interview, where she stated that if Mr Nicolaides saw girls sitting in class with their legs crossed and their skirts pushed in between their legs, he used to comment that they were sexually frustrated. In her oral evidence, Pupil C explained that he said this out of the blue on numerous occasions.

The panel considered that there was sufficient evidence to find that, between 2010 and 2015, Mr Nicolaides made inappropriate comments to one or more female pupils by



telling them that when girls crossed their legs and pushed their skirts down, they were sexually frustrated or words to that effect.

The panel found allegation 3 proven.

**4. By reason of your behaviour from July 2014 onwards in respect of Pupil C, you failed to follow advice issued to you on or around 16 July 2014, in terms of maintaining professional standards.**

The panel considered the oral evidence and written statement of Witness B, who stated that Mr Nicolaides had been issued with strong management advice in relation to contacting an ex-student by phone and arranging to meet up with her. In addition to this, Witness B referred to the formal written warning Mr Nicolaides received on 16 July 2014 in relation to spending excessive periods alone with Pupil C and allowing her privileges.

In oral evidence Witness B reported that, in or around 2017 to 2018, the senior leadership team moved Mr Nicolaides' classroom to a more central location within the School to enable closer supervision following his ongoing behaviour including allowing students to stay in his classroom until 5:30pm to 6:00pm.

The panel noted that Mr Nicolaides failed to follow formal management advice and maintain professional standards. He continued to message Pupil C on Facebook Messenger after the specified date and allowed her to come back into his classroom. The panel noted that this failure to adhere to the School's warning compromised Pupil C's emotional wellbeing and breached the professional relationship.

The panel considered that there was sufficient evidence to find that from July 2014 onwards in respect of Pupil C, Mr Nicolaides failed to follow advice issued to him on or around 16 July 2014, in terms of maintaining professional standards.

The panel therefore found allegation 4 proven.

**5. On a date or dates prior to 28 May 2020, you:**

- a. Made searches relating to having sex with students; and/or**
- b. Accessed pornographic material with themes relating to teachers and/or school girls.**

The panel considered the document from Nottinghamshire police setting out that Mr Nicolaides had his electronic devices seized and searches made.

The document set out that Mr Nicolaides had the following past searches on his computer:

- *“having sex with student”*

- “child having sex with teenager”
- “having sex with student in bed”

The police searches also showed that Mr Nicolaides had accessed pornography that suggested a sexual interest in school girls. The panel noted that the police concluded that these pornography websites were genuine and legal.

The panel considered that there was sufficient evidence to find that Mr Nicolaides had made searches relating to having sex with students and accessed pornographic material with themes relating to teachers and/or school girls.

The panel therefore found allegation 5 proven.

## **6. Your behaviour as set out at allegations 1 and/or 2 and/or 3 and/or 5 above was:**

### **a. Sexually motivated; and/or**

### **b. Sexual in nature.**

The panel’s attention was drawn to section 78 of the 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 [2021]* by the legal adviser. The presenting officer also referred the panel to the cases of *Arunachalam v General Medical Council [2018]*, *Raza v General Medical Council [2011]* and *R v H [2005]*.

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 was also mindful of the Court of Appeal’s conclusion in *Haris*. The court found in that case that, “[i]n the absence of a plausible innocent explanation for what he did, the facts spoke for themselves. A sexual motive was plainly more likely than not; I would go so far as to say that that inference was overwhelming.”

The panel felt that the actions of Mr Nicolaides were inherently sexual. The panel considered the overall circumstances when assessing the evidence for each allegation. The panel particularly noted that Mr Nicolaides had sent Pupil C messages of a sexual nature. The panel also noted the police report that he had conducted searches prior to May 2020 related to having sex with students and/or teachers having sex with students.

The panel concluded that there was no innocent explanation for Mr Nicolaides’ conduct.

The panel individually considered the proven particulars of allegations 1, 2, 3 and 5. The panel found that, on the balance of probabilities, there was sufficient evidence of sexual motivation in relation to those proven particulars of allegations 1, 2 and 5. The panel also

considered that there was sufficient evidence to find that those proven particulars of allegations 1, 2, 3 and 5 were sexual in nature.

The panel therefore found allegation 6(a) partially proven and allegation 6(b) proven in its entirety.

### **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 (the 'Advice').

The panel was satisfied that the conduct of Mr Nicolaides, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Nicolaides 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 also considered whether Mr Nicolaides' conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offences of sexual activity and sexual communication with a child (as defined as anyone under the age of 18 in the Advice) to be 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 noted that allegation 5 took place outside the education setting. The panel was concerned and deeply troubled with the themes of Mr Nicolaides' searches and the pornographic materials he had sought out. However, the panel noted that the websites

accessed were genuine and legal and therefore concluded that they were not provided with evidence that this misconduct affected the way he fulfilled his teaching role or led to pupils being exposed to, or influenced by, the behaviour in a harmful way. The panel was mindful that professionals are not expected to be “*paragons of virtue*” (as expressed in the case of *Beckwith v Solicitors Regulation Authority [2020]*).

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, 2, 3, 4 and 6 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.

The panel was therefore satisfied that the proven conduct of Mr Nicolaides under allegations 1, 2, 3, 4 and 6 amounted to misconduct of a serious nature, which fell significantly short of the standards expected of the profession. Accordingly, the panel was satisfied that Mr Nicolaides was guilty of unacceptable professional conduct in relation to these allegations.

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 panel found that the findings of misconduct under the proven particulars of allegations 1, 2, 3, 4 and 6 were serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.

In relation to allegation 5, the panel further noted that this took place outside the education setting and on Mr Nicolaides’ private devices in his own time. However, in combination with the serious behaviours found in relation to Pupil C, the panel felt that the content of Mr Nicolaides searches would have a negative impact on the individual’s status as a teacher and would damage the public perception of the teaching profession, therefore bringing the teaching profession into disrepute.

The panel therefore found that Mr Nicolaides actions constituted conduct that may bring the profession into disrepute in relation to the proven particulars of allegations 1, 2, 3, 4, 5 and 6.

In summary, the panel found that Mr Nicolaides’ conduct amounted to unacceptable professional conduct for the proven particulars of allegations 1, 2, 3, 4 and 6 and conduct

that may bring the profession into disrepute for the proven particulars of allegations 1, 2, 3, 4, 5 and 6.

## **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.

Most of the panel's findings against Mr Nicolaides were found to be sexually motivated and/or sexual in nature. These findings involved: inappropriate physical contact with Pupil C (including stroking, hugging and touching), an inappropriate relationship with Pupil C (which involved accepting gifts, messaging on social media and saying seriously unacceptable comments to her), making inappropriate comments to Pupil C and other girls within the School, searching for and accessing pornographic material with themes relating to students and school girls. The panel also found that Mr Nicolaides had consistently failed to follow formal advice about appropriate professional boundaries. Consequently, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of pupils, given the serious findings of inappropriate relationships with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Nicolaides 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 Nicolaides 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 Nicolaides. The panel was mindful of the need to strike the right balance between the rights of the teacher 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 Nicolaides. 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
- a deep-seated attitude that leads to harmful behaviour.

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 Nicolaides actions were not deliberate.

There was no evidence that Mr Nicolaides was acting under extreme duress and, in fact, the panel found Mr Nicolaides actions to be calculated and motivated.

The panel noted that Mr Nicolaides had been assessed as meeting the criteria of an upper pay scale teacher, although Witness B described him as an “*unexceptional teacher*”. The panel therefore concluded that there was no evidence that Mr Nicolaides demonstrated exceptionally high standards in both personal and professional conduct or contributed significantly to the education sector.

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 Nicolaides 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 Nicolaides. The panel noted a complete lack of insight or remorse on the part of Mr Nicolaides as a significant factor in forming this decision. From Mr Nicolaides’ very limited engagement in these proceedings, it appeared he focussed on himself and his desire to move on with his life.

The panel was concerned that Mr Nicolaides continuously failed to recognise or even acknowledge that his conduct and behaviour was gravely inappropriate. The panel saw evidence that Mr Nicolaides was previously disciplined by the School and formally reminded of his professional boundaries, but he failed to act on this. Mr Nicolaides had several opportunities to display insight and remorse into his actions but failed to at every opportunity, demonstrating to the panel that he did not understand the seriousness and harmful impact of his behaviour.

The panel considered Mr Nicolaides’ recent written statement to the TRA. Despite having significant time to reflect on his conduct and behaviour at the School, he had not shown any reflection on the harm he caused, nor had he developed any insight or remorse regarding his actions. The panel could not be assured that there would be no risk of Mr Nicolaides repeating such behaviour in the future. The panel concluded that Mr Nicolaides exhibited a firmly established pattern of inappropriate and harmful behaviour.

During Pupil C’s evidence, the panel noted the impact Mr Nicolaides’ actions had on her.

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 behaviours that, if proved, would militate against the recommendation of a review period. 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 Nicolaides was responsible for both serious sexual misconduct and sexual misconduct involving a child. His actions amounted to a clear breach of the Teachers' Standards and raised serious child protection concerns.

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.

In the panel's view, Mr Nicolaides presents an ongoing risk to the appropriate safeguarding of pupils and the public interest weighed in favour of not offering a review period. The panel therefore 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/or conduct that may bring the profession into disrepute).

In this case, the panel has found some parts of the allegations partially proven or 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 Andrew Nicolaides should be the subject of a prohibition order, with no provision for a review period.



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

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

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

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

The findings of misconduct are particularly serious as they include a teacher engaging in sexually motivated behaviour towards one of his pupils.

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 Nicolaidis, 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 makes the following observation:

"Most of the panel's findings against Mr Nicolaidis were found to be sexually motivated and/or sexual in nature. These findings involved: inappropriate physical contact with Pupil C (including stroking, hugging and touching), an inappropriate

relationship with Pupil C (which involved accepting gifts, messaging on social media and saying seriously unacceptable comments to her), making inappropriate comments to Pupil C and other girls within the School, searching for and accessing pornographic material with themes relating to students and school girls. The panel also found that Mr Nicolaides had consistently failed to follow formal advice about appropriate professional boundaries. Consequently, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of pupils, given the serious findings of inappropriate relationships with children.”

A prohibition order would therefore prevent such a risk from being present in the future.

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

“The panel considered Mr Nicolaides’ recent written statement to the TRA. Despite having significant time to reflect on his conduct and behaviour at the School, he had not shown any reflection on the harm he caused, nor had he developed any insight or remorse regarding his actions. The panel could not be assured that there would be no risk of Mr Nicolaides repeating such behaviour in the future. The panel concluded that Mr Nicolaides exhibited a firmly established pattern of inappropriate and harmful behaviour.”

In my judgement, the lack of evidence of insight and remorse on Mr Nicolaides part means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observes that:

“The panel found that the findings of misconduct under the proven particulars of allegations 1, 2, 3, 4 and 6 were serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.

In relation to allegation 5, the panel further noted that this took place outside the education setting and on Mr Nicolaides’ private devices in his own time. However, in combination with the serious behaviours found in relation to Pupil C, the panel felt that the content of Mr Nicolaides searches would have a negative impact on the individual’s status as a teacher and would damage the public perception of the teaching profession, therefore bringing the teaching profession into disrepute.”

I am particularly mindful of the finding of a teacher accessing pornography involving themes related to students and schoolgirls in this case and the negative 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 Nicolaides himself. The panel records the following:

“The panel noted that Mr Nicolaides had been assessed as meeting the criteria of an upper pay scale teacher, although Witness B described him as an “*unexceptional teacher*”. The panel therefore concluded that there was no evidence that Mr Nicolaides demonstrated exceptionally high standards in both personal and professional conduct or contributed significantly to the education sector.”

A prohibition order would prevent Mr Nicolaides 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 very serious nature of the misconduct found by the panel, which included sexually motivated behaviour directed towards pupils. I have also placed weight on the lack of evidence that Mr Nicolaides has developed remorse for and insight into his behaviour and the consequent risk of repetition that this creates.

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

In doing so, the panel has made reference to the Advice as follows:

“The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. 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 Nicolaidēs was responsible for both serious sexual misconduct and sexual misconduct involving a child. His actions amounted to a clear breach of the Teachers' Standards and raised serious child protection concerns.”

I have considered the panel's concluding comments:

“In the panel's view, Mr Nicolaidēs presents an ongoing risk to the appropriate safeguarding of pupils and the public interest weighed in favour of not offering a review period. The panel therefore 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.”

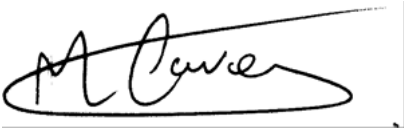
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct found, which includes behaviour that in my judgment is fundamentally incompatible with working as a teacher, as well as the lack of evidence of insight or remorse and the unacceptable risk this creates regarding the wellbeing of pupils.

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 Andrew Nicolaidēs 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 Nicolaidēs 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 Nicolaidēs 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 thin black rectangular border.

**Decision maker: Marc Cavey**

**Date: 19 February 2025**

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