



Teaching
Regulation
Agency

Mr Matthew Whale: Professional conduct panel meeting outcome

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

March 2025

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	10
Decision and reasons on behalf of the Secretary of State	16

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

Teacher:	Mr Matthew Whale
Teacher ref number:	9751556
Teacher date of birth:	19 October 1974
TRA reference:	21028
Date of determination:	14 March 2025
Former employer:	Easthamstead Park Community School, Bracknell

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 March 2025 by way of a virtual meeting, to consider the case of Mr Whale.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mrs Joanne Arscott (teacher panellist) and Dr Louise Wallace (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP Solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Whale that the allegations be considered without a hearing. Mr Whale provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Louise Ravenscroft of Capsticks Solicitors LLP or Mr Whale.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 13 February 2025.

It was alleged that Mr Whale is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, while employed as a teacher at Easthamstead Park Community School (“the School”):

1. In or around January 2001 and September 2003, he breached professional boundaries with and/or engaged in a sexual relationship with Pupil A;
2. His conduct as set out in paragraph 1 above was sexually motivated.

Mr Whale admitted both the alleged facts and that he is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 5 to 8

Section 2: Notice of referral, response and notice of meeting – pages 9 to 34

Section 3: Statement of agreed facts and presenting officer representations – pages 35 to 41

Section 4: Teaching Regulation Agency documents – pages 42 to 151

Section 5: Correspondence with the teacher – pages 152 to 161

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

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the “Procedures”).

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Whale on 6 November 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

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

In advance of the meeting the TRA agreed to a request from Mr Whale for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Whale was employed at Easthamstead Park Community School (“the School”) from January 2001 as a teacher of physical education (PE). Allegations were made against Mr Whale and he was suspended from work on 15 November 2007. Mr Whale resigned with immediate effect on 11 January 2008. The School stated that a referral was made to the Children’s Safeguarding Unit of the Department for Education and Skills on 12 February 2008. On 29 April 2022, a meeting was held in which the School was informed that a referral had been made to the police regarding Mr Whale. Around that time, the School noticed that it did not appear to have any outcome from the referral it had previously made, and that a search of Mr Whale’s teaching record showed no active alerts, nor that he was barred from teaching. The School therefore referred Mr Whale to the Teaching Regulation Agency on 8 August 2022.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

Whilst employed as a teacher at Easthamstead Park Community School (“the School”):

- 1. In or around January 2001 and September 2003, you breached professional boundaries with and/or engaged in a sexual relationship with Pupil A:**

In a response to a notice of referral form completed by Mr Whale on 21 September 2023 he admitted this allegation.

In the statement of agreed facts, Mr Whale admitted that he treated Pupil A more favourably than other pupils in his class [REDACTED]. He admitted that he invited Pupil A to his office where he would spend time with her alone. He further admitted that he would collect Pupil A from School and drive her home in his personal vehicle to spend further time alone with Pupil A.

Mr Whale accepted that he exchanged his personal telephone number with Pupil A and communicated with her in respect of personal matters. He admitted that it was inappropriate to provide Pupil A with his personal telephone number and contrary to the School's Code of Conduct.

Mr Whale admitted that during the course of his communication with Pupil A, he informed her that he "loved her". Mr Whale accepted that this was an inappropriate message to send to a pupil and was a breach of his professional boundaries.

Mr Whale admitted that he invited Pupil A to his home address where he engaged in sexual intercourse with Pupil A. He admitted that this occurred whilst Pupil A was [REDACTED] a pupil of the School. He further admitted that he continued to engage in sexual intercourse with Pupil A on several occasions between 2001 and 2003. He accepted that Pupil A continued to be on the school roll during their relationship. Mr Whale admitted that he was aware of the age of Pupil A and that she was a pupil of the School, and he admitted that he knew that pursuing a sexual relationship with Pupil A was contrary to the School's Code of Conduct and the standards expected of a teacher.

Furthermore, Mr Whale admitted that he met up with Pupil A outside of School and took her to the cinema, restaurants and theme parks.

Mr Whale accepted that he did not inform the School that he had engaged in a personal and sexual relationship with Pupil A at any time during the course of their relationship. He admitted that he did not inform the School of his relationship with Pupil A as he was aware that it was inappropriate and would lead to disciplinary proceedings.

The panel was provided with a witness statement of Pupil A. Whilst this was hearsay since this case was convened as a professional conduct panel meeting, the panel noted that Mr Whale stated in the statement of agreed facts that he accepted Pupil A's account in her witness statement, and that he accepted that she suffered the "detriment, injury and upset" described in her statement.

Pupil A's statement explained that Mr Whale did not teach her directly until she was around [REDACTED] she was studying [REDACTED] physical education, at which time he paid her more attention than he typically gave to other pupils and their relationship developed. She referred to Mr Whale leaving her [REDACTED] and would ask her to attend the PE office where he would speak to her alone, and he would often kiss her.

She also described that he would pick her up from school and they were alone together in the car whilst he drove her home.

The panel noted both Pupil A and Mr Whale described the sexual relationship having started when [REDACTED], but that there were discrepancies in Pupil A's statements as to the dates, and how this correlated with her date of birth and Mr Whale's employment at the School. She referred to having been in a relationship with Mr Whale from 2000 to 2003, but the panel noted that Mr Whale did not start working at the School until 2001. The panel considered that it was more likely than not that Pupil A had become confused as to dates and her age at the relevant times due to the passage of time. Both Mr Whale and Pupil A were clear that the sexual relationship occurred whilst she was a pupil of the School.

Pupil A described the steps that Mr Whale took to ensure they were not caught including her attending his home when no one was there, taking her out of the area for dinner, and having to hide in the toilets at the cinema when another teacher from the School sat behind them. She stated that Mr Whale was controlling as he did not want to be caught. She stated they had a silent agreement that she could not tell her friends about them, such that it became easier to spend time at Mr Whale's house or with his friends. This resulted in her friendships breaking down, and her feeling isolated. [REDACTED]

[REDACTED]

[REDACTED] Mr Whale's behaviour became more distant but that he would still contact her to keep her around. She described that he was controlling in relation to the University she should attend, and that she appeased him by attending the university he preferred. Pupil A stated that when she went to University she would often ignore his attempts at contact, but he would threaten to drive to her, or say that he had crashed his car to get her attention or prompt a response. She described that this caused her to panic and that he was exerting control over her. She stated that she subsequently ended all communication and the relationship.

[REDACTED] She stated that she realised that Mr Whale had taken advantage of her, and [REDACTED] encouraged her to report Mr Whale to the police, which she did.

Pupil A explained how her relationship with Mr Whale impacted negatively on her mental health and her adult relationships.

Given the admissions made by Mr Whale, corroborated by the evidence of Pupil A, the panel found it proven that he had engaged in a sexual relationship with Pupil A.

The panel also considered that Mr Whale has breached professional boundaries. The panel drew upon its own knowledge and experience of the teaching profession and considered that in 2001 – 2003, it would have been considered to have been a breach of

professional boundaries to have favoured one pupil over others, to have kissed Pupil A in the PE office and to have developed a sexual relationship with a pupil.

2. Your conduct as set out in paragraph 1 above was sexually motivated.

In a response to a notice of referral form completed by Mr Whale on 21 September 2023 he admitted this allegation.

In the statement of agreed facts, Mr Whale admitted that he pursued a personal and sexual relationship with Pupil A which commenced whilst she was a pupil at the School, and that this continued to be a sexual relationship until 2003.

Mr Whale accepted that the purpose of treating Pupil A more favourably and spending time alone with Pupil A in his office was to develop and pursue a personal relationship with Pupil A. He also admitted that he collected Pupil A from School and drove her home in his personal vehicle to spend further time alone with her.

Mr Whale admitted that he exchanged personal telephone numbers with Pupil A to further pursue a personal relationship with her. He also admitted that he informed Pupil A that he was in love with her to further pursue a personal and sexual relationship. He admitted that he met up with Pupil A and took her to the cinema, restaurants and theme parks to pursue a personal and sexual relationship with Pupil A.

The panel had regard to the sexual relationship it had found proven and Mr Whale's admissions. In those circumstances, the panel considered that it was more likely than not that Mr Whale's purpose in treating Pupil A more favourably than other pupils; driving her home from school; meeting her alone in the PE office; exchanging numbers with her; and taking her to the cinema, restaurants and theme parks were all to pursue a sexual relationship with Pupil A. The panel found Mr Whale's conduct in developing a sexual relationship with Pupil A was sexually motivated.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found all 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".

Mr Whale's conduct took place prior to the coming into force of Teachers Standards. Accordingly, the panel had regard to its knowledge and experience of teaching standards at the time of the conduct. Having done so, it considered that the teacher pupil boundary

had been an important one then and that developing a sexual relationship with a pupil was wholly unacceptable.

The panel also considered whether Mr Whale's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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

Whilst no criminal offences were committed at the time of Mr Whale's conduct, the panel found that behaviours associated with the current offence types regarding sexual activity and controlling or coercive behaviour; were relevant. The same harm was caused to Pupil A irrespective of whether Mr Whale's conduct at the time constituted any criminal offence.

The panel noted that some of the conduct occurred inside the education setting, for example, favouring Pupil A over other pupils and meeting her alone in the PE office and kissing her there. The panel considered that this was a serious breach of professional boundaries, applying its own knowledge and experience of the standards expected of the time.

The panel noted that other aspects of the conduct found proven took place outside the education setting. Nevertheless, the panel considered that the conduct affected the way Mr Whale fulfilled his teaching role given that he breached his position of trust to develop a sexual relationship with Pupil A. Pupil A has described the impact of this both at the time and into her adult life.

For these reasons, the panel was satisfied that the conduct of Mr Whale 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 Whale was guilty of unacceptable professional conduct.

In relation to whether Mr Whale's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

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

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

As set out above in the panel's findings as to whether Mr Whale was guilty of unacceptable professional conduct, the Panel found that whilst no criminal offences were committed at the time of Mr Whale's conduct, the panel found that behaviours associated with the current offences types of sexual activity and controlling or coercive behaviour; were relevant.

The findings of misconduct are serious, and the conduct would have been likely to have a negative impact on the individual's status as a teacher both at the time of the misconduct (if it had been known) and would be likely to have a negative impact at the present time given the gravity of the misconduct and the harm that it caused Pupil A. The panel noted the steps Mr Whale took to conceal their relationship from others, and that he must have realised the impact that his actions would have had on the public's perception of him as a teacher.

The panel considered that Mr Whale's conduct could potentially damage the public's perception of a teacher.

For these reasons, the panel found that Mr Whale's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of engaging in a sexual relationship with a pupil.

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

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Whale in the profession. Whilst Mr Whale may have had some ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Whale in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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 Whale.

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:

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. 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;

- a deep-seated attitude that leads to harmful behaviour;
- collusion or concealment including:…
 - … concealing inappropriate actions;

The panel also noted that the list of behaviours is not exhaustive and the panel also considered that Mr Whale’s coercive and controlling behaviours were also relevant. Although the conduct pre-dated Teachers’ Standards, the panel considered that there was a serious departure from standards of personal and professional conduct expected at the time.

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 evidence that Mr Whale’s actions were deliberate.

There was no evidence to suggest that Mr Whale was acting under extreme duress, e.g. a physical threat or significant intimidation.

Mr Whale did not demonstrate exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector. There was no evidence that Mr Whale has made any contribution to the teaching profession at all since his resignation from the School in 2008. In the statement of agreed facts, it is stated that Mr Whale now works in an unrelated industry and has no intention ever to return to teaching.

The panel saw no evidence that showed Mr Whale was previously subject to any disciplinary warnings.

The panel noted that a reference prepared by the School “to whom in may concern” on 25 January 2008 (after Mr Whale resigned) referred to Mr Whale having settled quickly into his role as a member of the PE department and shortly afterwards taking on a management role. In September 2003, he was given the added responsibility of temporary deputy head of sixth form a role which continued until April 2004. In September 2004, Mr Whale became the temporary head of physical education until the summer of 2005. The reference stated that during that year, the department examination results were “very good” and Mr Whale was commended for his 100% attendance. The reference stated that Mr Whale worked conscientiously on behalf of the students and his extracurricular coaching provided the school with several high performing football teams. The reference went on to state that in April 2006, Mr Whale took on the leadership of a new initiative to manage students who were at risk of exclusion or who had been excluded from full time education, and had some success with some students.

The reference stated that at the time of Mr Whale resigning in 2008 an internal investigation was afoot in connection with a number of serious allegations regarding Mr Whale's conduct.

The panel noted that the School provided a reference in similar terms on 23 February 2009 to another school which referred to investigations having taken place into allegations made against Mr Whale, but that since no evidence was found, no further action was taken.

The panel saw two references dated October 2000 from a school that employed Mr Whale prior to him taking up his position at the School. Both references were positive and recommended Mr Whale for the position at the School. The panel placed little weight upon these given that they were provided a considerable time ago and not for the purpose of the present misconduct proceedings.

On 24 September 2022, Mr Whale sent an email to the TRA asking what steps could be taken to "avoid another mentally draining investigation such as the one previously conducted, that [REDACTED]. He stated that he wished to discuss the possibility of his ability to teach in the future being removed voluntarily, this being on the basis that "as I have said previously I rebuke all of the allegations."

On 14 September 2023, Mr Whale made contact with the TRA regarding paperwork he had received and made a request that the case not be made public [REDACTED].

On 18 September 2023, Mr Whale sent an email to the TRA saying "it seems that should I chose [sic] to admit the allegations then they can be considered in private with the details and decision not being made public." He asked if any notification or publicly available record would then be made at all, and commented "even though I still challenge the validity of these allegations it would seem that this would be the quickest route to resolution."

On 19 September 2023, the possibility of the case being considered at a professional conduct misconduct panel meeting was explained to Mr Whale, but that the TRA would have to be satisfied that he truly admitted the allegations in order to agree to the case being considered in this manner, and that he should not admit them in order to achieve a quicker resolution to the case.

On 20 September 2023, Mr Whale was informed by the presenting officer that even if the matter was considered in private, details of the panel's findings as to whether the allegations are proved or not would form part of the publication.

In a response to a notice of referral form completed by Mr Whale on 21 September 2023 he admitted the allegations and requested that the matter be dealt with without a hearing.

On 9 October 2024, Mr Whale was informed that his request for the matter to be heard at a professional conduct panel meeting had been declined given Mr Whale's previous repeated denial of the allegations. Mr Whale was sent a series of questions to assist with understanding Mr Whale's admissions and the reasons for them.

Mr Whale stated that "as the matter progressed and I received more detailed information – not on the allegations but on the impact my actions had on the individual in question, I became uncomfortable with the initial stance I had been advise [sic] to take as it did not, in my opinion, reflect the gravity of all that had occurred." He stated that "I had never not been prepared to admit all that had occurred" and that he "chose unwisely to follow a course of advised actions." He went on to say "Given the opportunity to commence the process again – I would not have elected to take the path that I did during the initial stages of this process. A series of actions that I feel in hindsight were disingenuous – most importantly to the other party involved but also the importance of the process itself...for me now, it is not just about admitting the allegations but also looking at what further could be done to help the other party reach closure on this situation if this is not already done and would be willing to attend any kind of restorative sessions that would bring this."

He referred to having had time to reflect on the impact of his actions on the "other party concerned". He stated that "the level of maturity I possessed as an individual at this time was clearly not one capable of managing the responsibility of the situation I had been placed in. This was by far and away the greatest driving factor in me leaving the profession nearly 20 years ago... I am also a very different person from the immature individual that encouraged, facilitated and allowed this situation to occur. I am not sure what further could be addressed at hearing [sic] as I have answered the allegations honestly and truthfully and accept full responsibility for all that occurred and now that I have been made aware – the upset, impact and personal detriment to the other party that I caused – something I will always be genuinely sorry for."

Mr Whale concluded "all I can state is that reading of the impact that I had on the other party through the selfishness of my actions and emotional immaturity at the time is something I feel genuine remorse for and a course of action that I will forever be sorry that I chose to take. Recognising the prolonged suffering that I have caused had [sic] been profound in making me further recognise impact of all that I chose to do."

The panel noted that, in the statement of agreed facts, Mr Whale stated that he is remorseful and sorry for the detriment, injury and upset to Pupil A described in her statement, that he had given his conduct genuine consideration and accepts that his initial denial of the allegations was wrong. He stated that he accepted full responsibility for instigating, encouraging and maintaining the inappropriate relationship with Pupil A, that he accepted that his conduct had been immature and selfish, and that he took advantage of his seniority in their relationship. He accepted that the impact of his conduct

on Pupil A is serious and prolonged. Mr Whale referred to himself as being more emotionally mature than he was at the time of the conduct.

Given Mr Whale's initial denials, the panel was somewhat sceptical of the degree of insight Mr Whale professed to have in the statement of agreed facts. The panel noted that although this was agreed by Mr Whale, it was not clear as to the extent to which Mr Whale had been involved in the preparation of the statements set out. Reading Mr Whale's responses in his email of 15 October 2024, whilst Mr Whale recognised there has been an impact on Pupil A, he did not demonstrate that he fully understood the level harm caused to her, or the impact on the School, the other pupils he taught or the profession. Mr Whale has not provided any evidence of any steps he has taken to understand why he acted in the way he did (other than referring to his selfishness and immaturity) or to fully understand the impact that such misconduct can have on a victim such as Pupil A. Mr Whale has not adduced any testimonial statements attesting to the respect he now has for appropriate boundaries, or of his respect for others. The panel could not, therefore, be satisfied that Mr Whale posed no risk of repetition.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Whale 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 Whale. The seriousness of the conduct in this case and the harm caused to Pupil A were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child.

As referred to above, the panel had reservations about Mr Whale's level of insight, and was provided with no independent evidence that he has learned from his misconduct and now abides by boundaries and has respect for others. In light of that, and the gravity of the misconduct in this case, the panel could not be satisfied that the risk of repetition was appropriately mitigated.

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 provision 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 all 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.

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

The misconduct found in this case took place prior to the Teacher Standards coming into effect. Accordingly, the panel had regard to its knowledge and experience of teaching standards at the time of the conduct. Having done so, it considered that the teacher pupil boundary had been an important one then and that developing a sexual relationship with a pupil was wholly unacceptable.

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

The findings of misconduct are particularly serious as they include a teacher engaging in a sexual relationship with a pupil.

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 Whale, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has made the following observation: "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of engaging in a sexual relationship with a pupil." 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 noted that, in the statement of agreed facts, Mr Whale stated that he is remorseful and sorry for the detriment, injury and upset to Pupil A described in her statement, that he had given his conduct genuine consideration and accepts that his initial denial of the allegations was wrong. He stated that he accepted full responsibility for instigating, encouraging and maintaining the inappropriate relationship with Pupil A, that he accepted that his conduct had been immature and selfish, and that he took advantage of his seniority in their relationship. He accepted that the impact of his conduct on Pupil A is serious and prolonged. Mr Whale referred to himself as being more emotionally mature than he was at the time of the conduct.

Given Mr Whale's initial denials, the panel was somewhat sceptical of the degree of insight Mr Whale professed to have in the statement of agreed facts. The panel noted that although this was agreed by Mr Whale, it was not clear as to the extent to which Mr Whale had been involved in the preparation of the statements set out. Reading Mr Whale's responses in his email of 15 October 2024, whilst Mr Whale recognised there has been an impact on Pupil A, he did not demonstrate that he fully understood the level harm caused to her, or the impact on the School, the other pupils he taught or the profession. Mr Whale has not provided any evidence of any steps he has taken to understand why he acted in the way he did (other than referring to his selfishness and immaturity) or to fully understand the impact that such misconduct can have on a victim such as Pupil A. Mr Whale has not adduced any testimonial statements attesting to the respect he now has for appropriate boundaries, or of his respect for

others. The panel could not, therefore, be satisfied that Mr Whale posed no risk of repetition.

In my judgement, and notwithstanding that Mr Whale does not appear to intend to return to teaching, the lack of evidence of full insight 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 findings of misconduct are serious, and the conduct would have been likely to have a negative impact on the individual’s status as a teacher both at the time of the misconduct (if it had been known) and would be likely to have a negative impact at the present time given the gravity of the misconduct and the harm that it caused Pupil A. The panel noted the steps Mr Whale took to conceal their relationship from others, and that he must have realised the impact that his actions would have had on the public’s perception of him as a teacher.

The panel considered that Mr Whale’s conduct could potentially damage the public’s perception of a teacher.”

I am particularly mindful of the finding of a teacher engaging in sexual relations with a pupil in this case and the very 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 Whale himself. The panel records the following:

“Mr Whale did not demonstrate exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector. There was no evidence that Mr Whale has made any contribution to the teaching profession at all since his resignation from the School in 2008. In the statement of agreed facts, it

is stated that Mr Whale now works in an unrelated industry and has no intention ever to return to teaching.”

A prohibition order would prevent Mr Whale 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 both the very serious nature of the misconduct found as well as the panel’s comments concerning the lack of insight demonstrated by Mr Whale.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Whale 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.

I have considered the panel’s concluding comments:

“As referred to above, the panel had reservations about Mr Whale’s level of insight, and was provided with no independent evidence that he has learned from his misconduct and now abides by boundaries and has respect for others. In light of that, and the gravity of the misconduct in this case, the panel could not be satisfied that the risk of repetition was appropriately mitigated.

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 provision for a review period.”

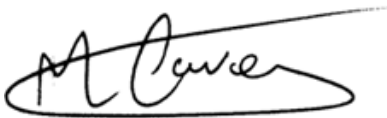
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found, which included a teacher engaging in a sexual relationship with a pupil, as well as the lack of evidence of full insight and consequent risk of repetition should Mr Whale ever return to teaching.

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 Whale 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 Whale 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 Whale has a right of appeal to the King's Bench 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', written over a horizontal line.

Decision maker: Marc Cavey

Date: 18 March 2025

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