



Teaching
Regulation
Agency

Mr Simon Graves: Professional conduct panel outcome

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

April 2025

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

Teacher: Mr Simon Graves

Teacher ref number: 9535730

Teacher date of birth: 28 April 1973

TRA reference: 20326

Date of determination: 14 April 2025

Former employer: Carlton le Willows Academy, Nottingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 29 to 31 January, 4 to 6 February at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT and the panel convened privately on 14 March, 11 and 14 April and in public on 11 April by way of a virtual hearing, to consider the case of Mr Simon Graves.

The panel members were Ms Rosemary Joyce (teacher panellist – in the chair), Mrs Beverley Montgomery (lay panellist) and Ms Gill Lyon (teacher panellist).

The legal adviser to the panel was Mr Priyesh Dave of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Calla Randall of 3 Raymond Buildings instructed by Kingsley Napley LLP.

Mr Simon Graves was present and was represented by Mr Andrew Faux of The Reflective Practice.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 20 November 2024.

It was alleged that Mr Simon Graves was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the deputy head teacher at Carlton le Willows Academy,

1. Between September 2010 and July 2014 he behaved in an inappropriate manner towards Student A and/or failed to adhere to professional boundaries in that he:
 - a) Was alone in his vehicle with Student A on more than one occasion
 - b) Touched and/or rubbed Student A on the leg on more than one occasion
2. Between April 2010 and January 2011, he behaved in an inappropriate manner towards Student B and/or failed to adhere to professional boundaries in that he:
 - a) Was alone in his office with Student B on more than one occasion
 - b) Touched Student B over her clothing whilst she was in his office on more than one occasion
 - c) Kissed Student B whilst she was in his office on one occasion
 - d) Visited Student B at her home
 - e) Touched Student B on her back whilst he visited her at her home
 - f) Kissed Student B whilst he visited her at her home on one occasion
 - g) Sent text messages of a sexual nature to Student B
3. Between approximately September 2009 and July 2014 he behaved in an inappropriate manner towards Student C and/or failed to adhere to professional boundaries in that he:
 - a) Touched and/or rubbed Student C's thigh
 - b) Invaded Student C's personal space by placing his face very close to hers and touching the collar of her blazer.
4. Between approximately September 2012 and December 2012, he behaved in an appropriate manner towards Colleague A in that he:
 - a) Kissed Colleague A on school premises on one or more occasions;

- b) Masturbated in front of Colleague A in his office;
 - c) Engaged in a course of conduct towards Colleague A that was harassing in nature in that he;
 - i) Drove to Colleague A's house and waited outside in his car;
 - ii) Waited by Colleague A's car after school;
 - iii) Purchased gifts for Colleague A.
5. His conduct at paragraphs 1, and/or 2 and/or 3 and/or 4 was sexually motivated and/or was of a sexual nature.

Mr Graves denied all of the allegations and that the allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application to Amend the Allegations

An application was made by the presenting officer to amend the Notice of Proceedings by amending

Allegation 1:

- a) by replacing the whole allegation with *"You were alone in your vehicle and touched and/or rubbed Student A on the leg on one or more occasion"*
- b) by adding to the end *"when alone with her in the office"*

Allegation 2:

- d) adding at the end *"when her parents were not at home and you knew they weren't at home."*
- e) adding at the end *"on the occasion when her parents were not at home"*
- f) deleting *"on one occasion"* and adding at the end *"on the occasion when her parents were not at home"*

Allegation 4 by replacing the word *"appropriate"* with *"inappropriate"*.

The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher, and the parties were afforded that opportunity. The teacher's representative consented to the application.

The panel considered that the amendments proposed were either a correction of a typographical error or did not change the nature, scope or seriousness of the allegations. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The panel therefore decided to amend the allegations as proposed.

[REDACTED].

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 5 to 7

Section 2: Notice of Hearing – pages 8 to 16

Section 3: Teaching Regulation Agency Witness Statements – pages 17 to 48

Section 4: Teaching Regulation Agency Documents – pages 49 to 411

Section 5: Teacher Documents – pages 412 to 532

In addition, the panel agreed to accept the following:

[REDACTED]

[REDACTED]

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

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

Witnesses

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

- Student A – [REDACTED]
- Student B – [REDACTED]
- Student C – [REDACTED]
- Colleague A – [REDACTED]
- Colleague B – [REDACTED]

Mr Graves also gave oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Graves commenced employment as the Deputy Head Teacher at Carlton le Willows Academy (“the School”) from 1 September 2009 to 31 January 2014. During this time, Mr Graves set up the School’s girls’ football team. Colleague A started working at the School [REDACTED].

Following allegations of sexual assault, on 22 December 2018, Mr Graves was arrested. Mr Graves attended a voluntary interview with the police on 29 July 2019. A criminal case was brought against Mr Graves. On 15 July 2021, Mr Graves was found “Not Guilty” at Nottingham Crown Court.

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:

- 1. Between September 2010 and July 2014 you behaved in an inappropriate manner towards Student A and/or failed to adhere to professional boundaries in that you:**

- a) Were alone in your vehicle and touched and/or rubbed Student A on the leg on one or more occasion**

In arriving at their decision, the panel took account of the legal advisor's advice regarding the historical nature of the allegations and accurate memory of evidence. The panel had at its forefront the time between each separate alleged incident and this hearing. In the absence of any specific medical or psychological evidence on memory, the panel considered the judgment of *Gestmin SGPS S.A. v Credit Suisse (UK) Limited*, *Credit Suisse Securities (Europe) Limited* and the broader comments on memories, how memories can be unreliable, the impact on memory caused by the preparation of witness statements and preparing for a hearing. The panel had regard to the court's observations to place a greater reliance on documentary evidence and known or probable facts. Where documentary evidence was not available, the panel exercised significant caution in assessing witness credibility.

Mr Graves denied this allegation.

The panel heard that once Mr Graves started his role at the School, he organised and coached the girls' football team after school. Mr Graves was appointed as a deputy headteacher, with designated safeguarding lead and pastoral responsibilities.

One of the students to join the after-school club was Student A. Student A was not taught by Mr Graves but he was her football coach and he provided support to Student A after her [REDACTED].

Near the start of Student A's evidence, she explained that she idolised Mr Graves. The panel heard that Mr Graves had given Student A and the girls a chance. Student A stated that she *"loved him so much"* for what he did for them, saying *"He was amazing"*, he *"took us on holiday"*.

The panel heard from Student A and Mr Graves that on occasions, Mr Graves would drive students from football to their respective houses. Student A said that Mr Graves would take her home with Students J and K. The order in which the pupils were usually dropped off was Student J, then Student A and lastly Student K. On a number of occasions, Student A would be the last to be dropped off. The panel heard Student A provided a description of the route taken and where each of the pupils lived in relation to each other and the school.

Student A stated that Mr Graves would drop her off after football training and matches.

Mr Graves said in evidence that he only dropped off Student A after matches and not after training.

Student A stated that in the car, she would generally talk about football or the match they may have just played. Student A would still be wearing her football kit and she told the panel that she would be wearing mid-length shorts that would end just above the knee.

Student A said that Mr Graves would comfort her about the loss of a football match as she may 'lose her head about football'. Student A stated that the comfort would take the form of reassurance and Mr Graves putting his hand on her leg as a comforting gesture. Mr Graves' hand would go on her thigh, he may rub it, but it would not go further up or to any other area. Student A said it could be deemed as comforting. Student A said that as she was in the passenger seat of his car, it would be Mr Graves' left hand on her right leg.

Student A said that at the time she was not concerned about his hand on her thigh. She said that it was what [REDACTED]. As he was her coach, Student A said that she wanted to impress him, and she wanted to win for him.

Student A said that in the later years in school, she stopped accepting rides from Mr Graves partly due to rumours about Mr Graves and increasingly feeling uncomfortable as she got older. Also, her network of friends grew as she got older, and this reduced the amount of support she required from Mr Graves.

Student A later went to the police to complain about Mr Graves' actions towards her. In June 2019 she was interviewed by the police.

The panel heard allegations put to Student A that she colluded with Student B in the formation of these allegations. The panel heard from Student A that she did not know the specifics of any allegations regarding Mr Graves and Student B. Student A and Student B are friends. Student A gave evidence that during Student B's [REDACTED], Student B was upset and stated that she was always trying to protect us. The panel understood "us" to mean the other girls on the girls' football team at the School. Student B told Student A that Mr Graves was inappropriate with her but did not elaborate. That conversation soon ended. Soon after, Student B asked Student A if anything happened between her and Mr Graves, to which Student A said "no". This was because Student A said she could "read the room" and to repeat what she had experienced may have caused Student B more pain as she was already very upset.

Student A stated that she later wanted to share what happened between her and Mr Graves as she did not want Student B to feel alone but to also let her know that Student B did protect Student A and the other students.

It was following this discussion that followed the [REDACTED] that Student B reported her allegations to the police and the police subsequently contacted Student A.

The panel considered the circumstances of how Student A and Student B discussed their individual matters regarding Mr Graves and the responses that Student A gave under cross examination regarding the allegation of collusion. The panel did not form the view that they amounted to collusion or that the allegations were not made in good faith.

The panel concluded that Student A held a very high opinion of Mr Graves for what he did for the girls' football team. Student A was clear about the route taken, where the respective students lived with respect to the School and each other. Unfortunately, the panel did not have a map of the local area or where the students' homes were in relation to the School and each other.

During oral evidence, Mr Graves stated that he would have sought permission from the parents of the students to be able to drop them off from the School. Mr Graves stated that the time it would take from Student K's house to Student A's would have only taken a matter of seconds. The panel found this difficult to reconcile as if Students K and A lived so close that the car journey took a matter of seconds, both students could have been dropped off at the same place. This also ran counter to Student A's description of where each student lived. Mr Graves stated that he had never put a hand on Student A's knee or thigh. His witness statement stated that the only physical contact he ever made would have been a fist bump or high five.

In considering the credibility of Student A, the panel heard about Student A's [REDACTED] and noted from her [REDACTED]. During evidence, Student A, was challenged about her [REDACTED], this being relevant to why Student A did not give evidence at Mr Graves' criminal trial. She was candid about the circumstances of the [REDACTED].

[REDACTED].

The panel had the opportunity to consider Student A's credibility. The panel took into account the evidence that they had heard from Student A regarding her thoughts on Mr Graves and her allegations. The panel reviewed the police interview that Student A had in June 2019 and the panel noted the level of consistency and detail between the contents of the police interview, her witness statement and the evidence that she provided to the panel, including that her evidence remained consistent when she was being cross examined. The panel also noted that Student A was balanced in her evidence about Mr Graves. She highlighted the positive impact he had on girls' football and how important this was to her and how Mr Graves supported her in her school career.

The panel concluded that in spite of the passage of time, Student A was able to provide detailed evidence of what occurred in Mr Graves' car with him and the journey that would have been taken from the School to the students' respective homes.

The panel also had due regard for her [REDACTED], as considered above. The panel concluded that the consistency across her evidence added to Student A's credibility. The panel therefore found Student A to be a credible witness.

The panel found that Mr Graves, when alone with Student A in his vehicle, did touch or rub her leg on one or more occasions. The panel was satisfied that this was between September 2010 and July 2014 and that he behaved in an inappropriate manner towards Student A and failed to adhere to professional boundaries. Therefore, on the balance of probabilities, the panel found this allegation proven.

2. Between April 2010 and January 2011, you behaved in an inappropriate manner towards Student B and/or failed to adhere to professional boundaries in that you:

c) Kissed Student B whilst she was in your office on one occasion

Mr Graves denied this allegation.

The panel understood that for the whole of allegation 2, the same allegations were subject to a criminal trial. Mr Graves was found not guilty of the allegations. The teacher's representative made the panel aware of paragraph 88 of *El Karout v NMC* 2019 which stated that "as a matter of common sense and common fairness the Panel were obliged to proceed with greater caution in differing from the jury's conclusion on the very same allegations..." The panel exercised caution and was mindful that the standard of proof in Mr Graves' criminal case was 'beyond reasonable doubt'. The panel considered that this was a serious allegation and that inherent probabilities were to be taken into account, where relevant by the panel, in deciding whether the presenting officer had proved that it was more probable than not that the event occurred. The panel was provided with numerous accounts of character evidence in support of Mr Graves' credibility which did not indicate any propensity to act in the way alleged. Considering this all as a whole, the panel noted that it was inherently improbable for Mr Graves to have acted in the way alleged.

Student B was a student of the School between [REDACTED] (years 7 to 11). She then attended [REDACTED] at the School from [REDACTED] before leaving. The panel heard that at the time Mr Graves started at the School and set up the girls' football team, Student B was in [REDACTED]. Student B assisted Mr Graves in [REDACTED] the football team, in particular, years 7 and 8.

As part of her role as [REDACTED], she would often go before training to collect footballs or equipment from Mr Graves' office, where they were stored.

Student B stated in evidence that most of the time she would walk back with Mr Graves to his office to put equipment away after football practice.

The panel heard that in April 2010, Student B's [REDACTED]. This was traumatic for Student B and she needed additional support to [REDACTED]. After April 2010, Student B had more interactions with Mr Graves. Mr Graves allowed Student B to go into his

office and make a hot drink or use the room if she needed to have a break. Sometimes that may have involved sitting in silence.

Mr Graves confirmed in his evidence that he would allow students to go into his office to make a hot drink.

Student B said that she would sit in Mr Graves' office if the door was open. The panel considered that this description was consistent with how Mr Graves said other students would use his office.

Student B's assessment of Mr Graves was that the girls' football team and coaches looked up to him. Mr Graves had made the effort to get the kit and arranged residential trips abroad to play football. Student B joined the girls' football team as [REDACTED] on at least two residential trips abroad.

On one occasion, Student B stated that whilst she was in year 11, she was alone in Mr Graves' office picking up football kit prior to a game. Mr Graves was talking to Student B and as she stood up, Mr Graves placed his hands either side of her shoulders and kissed Student B on the lips. Student B's account was consistent with the description in her police interview.

Student B stated that the kiss was not a peck. In evidence Student B stated that *"I didn't stop him, I wish I did, I would now."* After the kiss ended, she went on to do football. She then described becoming 'detached' from the experience, at the time.

The panel concluded that in spite of the passage of time, Student B was able to provide detailed evidence of what occurred with Mr Graves in his office.

Mr Graves stated in his evidence that he did not speak to Student B much as he did not directly teach her. In relation to [REDACTED] Student B's [REDACTED], Mr Graves stated that at the time of the event he did not know that there was a link between the individual and Student B. Mr Graves stated that he never kissed Student B in his office or elsewhere.

In relation to the level of interactions between Mr Graves and Student B, the panel concluded that Mr Graves' evidence minimised the amount of likely contact the two of them had and minimised their relationship, especially in light of the football [REDACTED] and [REDACTED] Student B's [REDACTED]. The panel also heard in evidence and saw reference to that fact that Mr Graves and Student B had each other's mobile phone numbers. Student B in an email to her [REDACTED] stated that Mr Graves had sent her a 'text' in relation to the [REDACTED].

The panel was not convinced that Mr Grave's account of the minimal contact with Student B was likely when Student B was one of the [REDACTED] to an active football team and given the support that Mr Graves provided her following [REDACTED].

The panel also heard from Student B more broadly that Student B joined Mr Graves and the girls' football team on international residential trips. The panel was also told that Mr Graves had given Student B a box of chocolates and a card. The panel therefore concluded that Mr Graves' credibility was impacted by his assertions that he did not know or speak to Student B much.

The panel considered Student B's credibility. The panel found her oral evidence to be compelling although the teacher's representative made representations that her evidence was inconsistent. The teacher's representative asked the panel to consider the inconsistencies highlighted in the Crown Court summation by the judge of the defence barrister:

"The defence, however, ask you to conclude that the complainant's inconsistent allegations made to others reveal that her evidence is unreliable. Reliance is placed on the omissions by the complainant both during the telephone call to the police on 18 December when no complaint was made regarding the defendant visiting her at her home address and when she gave her first account to [REDACTED] when she stated that all of the offences occurred in his office. That is to be found in admissions 7 and 8."

The panel noted that in the evidence before it, there was no transcript of notes of a telephone call from Student B to the police nor the police interview with [REDACTED]. The panel therefore has only been able to review the evidence before it. The panel has considered whether Student B's account was consistent. The panel found that between the police reports available to them, the Crown Court transcript, and this hearing, the panel did not agree that her evidence had been wholly inconsistent. Student B's accounts were broadly the same and although there may have been some confusion of the dates and times, there was detailed evidence as to where Mr Graves' hands were, and his actions. She also recalled how she felt at the moment the events occurred. The panel appreciated that it is commonplace for there to be inconsistency and confusion in the detail of an account of an incident that had occurred some time ago, but that its task was to consider whether the alleged conduct more likely than not to have occurred.

The panel found Student B's accounts on this allegation to be largely consistent with reports she had made previously.

The panel concluded that the account provided by Student B demonstrated that she was sure about the aspects she could remember and acknowledged the aspects that she was not as sure upon which added to her credibility.

The panel noted that it was inherently improbable that Mr Graves would have committed the facts alleged in this allegation, particularly given his previous acquittal. The panel took this into account when deciding where the truth lies. Nevertheless, the panel placed greater weight on the evidence of Student B given its assessment of her credibility and

less weight on the evidence of Mr Graves' as it appeared to the panel that he sought to diminish the extent of the contact he had with Student B. The panel found that it was more likely than not that Mr Graves kissed Student B whilst she was in his office between April 2010 and January 2011. The panel considered that he therefore behaved in an inappropriate manner towards Student B and failed to adhere to professional boundaries.

Therefore, on the balance of probabilities, the panel found allegation 2c) proven.

e) Touched Student B on her back whilst you visited her at her home on the occasion when her parents were not at home

f) Kissed Student B whilst you visited her at her home on the occasion when her parents were not at home

The panel heard from Student B that Mr Graves had come over to Student B's house on at least two occasions. On one occasion, this was to use the garage space to store food for the girls' football trip when Student B's parents were present, and the other was to see Student B when her parents were not present. The panel heard that Student B had left [REDACTED] and in January 2011, she had messaged Mr Graves asking for support. He came over to her house; when she opened the door she had been crying, and her eyes were 'puffy'.

In a transcript of an interview with the police dated 21 December (no year provided), Student B reported that Mr Graves sent her a text message to let her know that he was coming over. She let him in, and she was upset at the time. She was sitting on the sofa and at some point, he was kneeling on the floor in front of her as Student B was upset. In her interview, it is reported that Student B stated that Mr Graves then got up and kissed Student B, like he had in his office, and he placed his hands on her back under her jumper.

Student B, in her witness statement and in oral evidence, repeated that Mr Graves had placed his hands on her back under her jumper.

The panel has seen the summation provided by the judge in the Crown Court trial and the description of Student B's evidence in respect of the events in allegations 2e) and 2f) are broadly similar to how the evidence was presented to the panel.

The panel concluded that in spite of the passage of time, Student B was able to provide detailed evidence of what occurred with Mr Graves at her home.

Mr Graves stated that he only went to Student B's house to utilise their garage and the next day to pick the food up again. He denied that he attended Student B's house any other time.

The panel considered Student B's credibility regarding these allegations. The panel reiterates the comments above regarding her credibility, in particular that the panel considered the Crown Court summation regarding inconsistencies, but the panel came to the same conclusion as allegation 2c). Again, Student B's accounts were broadly the same and there was detailed evidence describing Mr Graves' position in front of the sofa, where his hands were, and Mr Graves' actions.

The panel noted that it was inherently improbable that Mr Graves would have committed the facts alleged in this allegation, particularly given his previous acquittal. The panel took this into account when deciding where the truth lies. Nevertheless, the panel placed greater weight on the evidence of Student B given its assessment of her credibility and less weight on the evidence of Mr Graves' as it appeared to the panel that he sought to diminish the extent of the contact he had with Student B. The panel found that it was more likely than not that Mr Graves touched and kissed Student B whilst she was in her house between April 2010 and January 2011. The panel considered that he therefore behaved in an inappropriate manner towards Student B and failed to adhere to professional boundaries.

Therefore, on the balance of probabilities, the panel found allegations 2e) and 2f) proven.

g) Sent text messages of a sexual nature to Student B

Mr Graves denied this allegation.

The panel was told by Student B that at some point at school, Mr Graves provided his mobile phone number to Student B to facilitate her [REDACTED] at school.

The panel was told that this then developed into Mr Graves contacting Student B by text message about other matters. Student B, in her witness statement, confirmed that she no longer has the phone. The panel has not seen any text messages between Mr Graves and Student B.

Student B in her evidence in her police interview dated 21 December (no year provided), that following the end of year 11, which the panel understand to be the end of academic year [REDACTED], Mr Graves started texting Student B. Student B then stated that she *"can't remember how quickly it turned into really explicit texts"*.

Student B said that these text messages would include asking her to go over to his house when his [REDACTED] was not present and that he would pay for a taxi. On another occasion, she stated that he messaged to say that he would sit Student B on his office desk and have sex with her on the desk. Another example was Mr Graves asking Student B to come over to his house so they could have sex.

Mr Graves, in his evidence, said he would have had her number after she left school because she still [REDACTED] and there would have been communication regarding

matches and training. Mr Graves denied that any inappropriate messages from him were ever sent. He stated that he never invited Student B over to his house. When it was put to him in his police interview on 22 December 2018, whether *“have you ever text her [Student B] of a sexual nature?”* Mr Graves responded *“I don’t think so. Not sexual or construed as inappropriate”*. Further in the interview, Mr Graves is asked *“Denying all offences or sexual graphic”* to which Mr Graves responds, *“I don’t think I’ve ever sent her [Student B] anything inappropriate no”*. The panel considered the response given by Mr Graves was uncertain and that a reasonable person would be certain if they had not sent a 17-year-old, vulnerable child, a text message of a sexual nature.

The panel notes that within the same interview it was put to Mr Graves whether *“pay for a taxi. Ever said that? Sex with her [Student B] on your desk”* he responds, *“Oh god no”* and asked *“Sexually graphic. Ever sent her that?”* to which he responds *“No”*.

The panel considered the evidence provided by Student B and her credibility regarding this allegation. The panel reiterates the comments above regarding her credibility, in particular that the panel considered the Crown Court summation regarding inconsistencies, but the panel came to the same conclusion as allegation 2c). Again, Student B’s accounts were broadly the same in relation to the contents of the text messages from Mr Graves, across the interview she gave to the police on 21 December (no year provided), the evidence in the Crown Court and her evidence to the panel.

The panel noted that it was inherently improbable that Mr Graves would have committed the facts alleged in this allegation, particularly given his previous acquittal. The panel took this into account when deciding where the truth lies. Nevertheless, the panel placed greater weight on the evidence of Student B given its assessment of her credibility and less weight on the evidence of Mr Graves’ as it appeared to the panel that he was uncertain in his responses to the police regarding the nature of the messages he sent to Student B. The panel found that it was more likely than not that Mr Graves sent text messages of a sexual nature to Student B between April 2010 and January 2011.

The panel considered that he therefore behaved in an inappropriate manner towards Student B and failed to adhere to professional boundaries.

Therefore, on the balance of probabilities, the panel found allegation 2g) proven.

3. Between approximately September 2009 and July 2014 he behaved in an inappropriate manner towards Student C and/or failed to adhere to professional boundaries in that he:

a) Touched and/or rubbed Student C’s thigh

Mr Graves denied this allegation.

The panel heard from Student C and her recollection of this incident. The panel heard that Student C [REDACTED].

Although Mr Graves did not teach her nor was she part of the girls' football team, she was aware of Mr Graves' office as she sometimes had to sit in 'isolation', outside the neighbouring office, due to uniform infractions. Student C gave evidence that she had only been in Mr Graves' office once during her time at the School.

The panel heard from Student C that on a school day, she was upset and in Mr Graves' office but did not recall the reason for being so. Student C recalled wearing a skirt and tights but did not recall the reason why she was in the office or why she was crying. Student C described Mr Graves' office, and the description was consistent with the description provided by Students A and B, and Mr Graves.

Student C gave evidence that she was sitting on the left-hand-side of the office. She stated that Mr Graves was working at his desk on his chair and when he finished he turned to face her, he was *"quite energetic and couldn't stay still"*.

In evidence, Student C stated that Mr Graves said she was upset because she was hormonal and that her body was going through puberty. Student C stated that Mr Graves put his hand on her thigh for roughly 3-5 seconds whilst he was talking to her. It was described as a long stroke of the leg and had pressure but did not hurt. Student C described feeling scared and going numb. Student C also described Mr Graves' actions as he *"touched me higher than anyone should put their hands."*

After touching her thigh, Mr Graves gave her his iPhone to scroll through and look at pictures of [REDACTED].

Mr Graves, in his evidence, did not recall Student C and denied having touched or rubbed any student's knee or thigh. The panel was cognisant of the passage of time between the date these events were said to have occurred, and the date evidence was heard by the panel. The panel accepted that the passage of time has had an impact on Mr Graves' recollection of the alleged events.

Mr Graves also stated during evidence that any touching of a student's thigh would be inappropriate.

During oral evidence, Mr Graves described Student C's evidence as telling the truth as she remembered it.

The panel found that the description Student C provided about the touching by Mr Graves and the level of pressure applied added to the credibility of Student C's evidence. The panel found the evidence about Mr Graves' mobile phone also compelling and added detail to a series of events that likely happened. The panel found it more likely than not that Mr Graves did touch and rub Student C on her thigh.

The panel also agreed with Mr Graves' comments that any touching of a student's thigh would be inappropriate. The panel found that it was more likely than not that Mr Graves touched and/or rubbed Student C's thigh between approximately September 2009 and July 2014. The panel considered that he therefore behaved in an inappropriate manner towards Student C and failed to adhere to professional boundaries.

The panel therefore found this allegation proven.

b) Invaded Student C's personal space by placing your face very close to hers and touching the collar of her blazer.

Mr Graves denied this allegation.

The panel heard from Mr Graves that the School was strict on its school uniform policy. Pupils were supposed to carry a uniform card which would be marked for school uniform infractions. Mr Graves stated that he would check uniforms and mark cards as required.

Student C described that she was in the middle of her [REDACTED]. On the day it was hot and during the exam she had her school blazer off. She needed to go to the toilet and left the exam hall. As she did, she put her blazer back on. Either on the way to the toilets or from, Mr Graves was talking to the receptionist. Mr Graves may have called out to her, but Student C did not remember. Student C stated that Mr Graves then walked up to her quickly and got incredibly close to her face. Student C described that due to how close Mr Graves was, she could recall how her heart "...*fluttered, it was scary because it was so quick and he came so close*".

Student C stated that Mr Graves got so close that she thought he was going to kiss her. He then touched the collar, adjusted it and said to Student C that her collar was up. Student C then carried on to the toilet or to rejoin her exam.

Student C's evidence was that Mr Graves did not ask for permission to touch her collar.

Mr Graves stated in written evidence that he did not recall ever invading a pupil's personal space, unless inadvertently. Also, he had no idea whether or not he turned the collar over but said that he would normally ask permission first and not place his face close to another pupil's.

The panel noted that Student C acknowledged when she was not in a position to remember details but was clear about what she knew and remembered. Her emphatic description of the events, the swiftness with which Mr Graves walked over to her and her feelings at that moment in time, all added to her credibility.

The panel concluded that on the balance of probabilities it was more likely than not that Mr Graves put his face close to Student C as he corrected her collar. The panel held that

being so close to someone that they might feel you are about to kiss them would be sufficiently close to amount to invading Student C's personal space.

The panel held that it would be inappropriate to touch or correct a pupil's collar without mutual agreement.

The panel was satisfied that this allegation occurred between September 2009 and July 2014 and Mr Graves' behaviour was inappropriate and amounted to a failure to adhere to professional boundaries by virtue of invading Student C's personal space and touching her collar. Therefore, the panel found this allegation proven.

4. Between approximately September 2012 and December 2012, you behaved in an inappropriate manner towards Colleague A in that you:

a) Kissed Colleague A on school premises on one or more occasions

Mr Graves denied this allegation.

The panel heard from Colleague A that she started work at the School as a [REDACTED]. Colleague A described herself as one of the most junior staff members of the School. Mr Graves was part of Colleague A's interviewing panel for her role at the School. At the time, Mr Graves was the deputy head teacher and safeguarding lead of the School. Although Mr Graves was not Colleague A's direct line manager, he was within the chain of line management of Colleague A.

The panel was told by Colleague A that during her first month with the School, a staff quiz was arranged at some local pubs. Staff were set up into teams. Colleague A recalled that Mr Graves was not on her team, but he 'attached' himself to Colleague A and another staff member and bought Colleague A drinks.

Colleague A gave evidence that at some point during the night, Colleague A went to the toilet and as she came out, she found Mr Graves waiting for her. He was waiting in a corridor by the toilets and Mr Graves put his hand on Colleague A's back and was leaning over her against the wall.

Colleague A reported that Mr Graves was very flirtatious and said that he could tell that Colleague A fancied him. Colleague A also said that Mr Graves reportedly said that she was "*hot*" and that "*he wanted to fuck me since my interview*". Colleague A told the panel that she felt awkward and shocked, that she didn't know how to respond and tried to laugh it off. Colleague A stated that she thought that she must have done something to lead him on. Colleague A left soon after this incident.

In written evidence, Colleague A stated that she believed that at some point during the night, Mr Graves provided her with his personal mobile number. However, during oral evidence, Colleague A described how during the first few weeks of her role at the School,

Mr Graves gave her a phone number to contact him if she was struggling with pupils. Colleague A was unsure if the phone number given was a personal or work number.

Mr Graves described the staff quiz as he and his team kept bumping into Colleague A's team at various points during the pub crawl. Mr Graves recalled that Colleague A was being very flirtatious in her mannerisms and the way that she touched him as she was speaking. Mr Graves said that she was extremely drunk and that he may have felt flattered by the attention; however, he stated that he was fully aware of his own actions and did not say or do anything inappropriate to her. He also stated that he left the pub before her.

Colleague A described how the next morning she was anxious about being so drunk at the staff event, so she went to Mr Graves' office to apologise. Mr Graves was present in his office and as she entered, she stated that he locked the door, pressed his body against Colleague A's, lifted her chin and put his tongue in her mouth and moved it around. Colleague A described trying to move Mr Graves away, but it was over very quickly. Colleague A described herself as being in shock.

The panel considered that Colleague A's description of the kiss was not consensual.

Mr Graves, in his evidence, did not recall seeing her the next day and was adamant that he did not push her against his office door or anywhere else or try to kiss her.

On another occasion, Colleague A reported that although she wanted to maintain a good relationship with Mr Graves, the attention he was giving her became suffocating. The panel heard from Colleague A that Mr Graves would come into her class throughout the day, on a spurious pretext with a prop, such as a folder or a book, needing to discuss things with her. He would then try to kiss Colleague A in the empty corridors.

The panel heard evidence from Mr Graves that although he and Colleague A did kiss, this was never on school premises.

Mr Graves, in his witness statement, stated that *"We flirted and we got on well; I was flattered by the attention and being found attractive by a younger woman."*, *"I enjoyed the attention, and I suppose the fantasy of the whole thing, although nothing could ever come of it."* and *"We had talked about doing more than kissing and getting a hotel somewhere, then she would back out, or I would back out."*

Mr Graves referred to the relationship as platonic, acknowledging that it was more than just friendship. However, the panel understood that this was a mismatch between his description of the relationship and his own admissions about what occurred.

The panel considered Colleague A's description of how Mr Graves would hold her chin as quite descriptive and found this evidence compelling. The panel considered the

evidence provided by Colleague A and Mr Graves as to their relationship and considered that it was more likely than not that they did kiss on school premises.

The panel concluded that it would be inappropriate for Mr Graves to kiss Colleague A in his office without her consent and further noted there was a significant power differential between them and such action is not what you would expect of a senior member of staff. Kissing in the corridors was also considered inappropriate due to its location, its timing during the school day, and the indirect line management between Colleague A and Mr Graves, as well as the significant difference in their status. Therefore, the panel found this allegation proven.

b) Masturbated in front of Colleague A in your office

Mr Graves denied this allegation.

On the day after the staff pub quiz, when Colleague A went to meet Mr Graves in his office, the panel was told by Colleague A that Mr Graves told her to send him 'sexy' text messages throughout the day.

Colleague A was unable to recall the content of the messages, but she did recall sending and receiving messages. Colleague A stated in oral evidence that text messages started immediately and were "*flirty*" but were not "*explicit*".

Colleague A told the panel that at the end of the day, Mr Graves sent Colleague A a text message asking her to come to his office and in the message it said, "*don't dare go home*". Colleague A reported that she felt that she had no choice but to go to his office. When she entered his office, Mr Graves locked the door and told her to sit down. He undid his trousers and started masturbating. As he did this, he pulled down Colleague A's head and ejaculated onto her hair.

Colleague A then said that Mr Graves told her she could leave now and unlocked the door.

Colleague A stated in evidence that the whole incident occurred very quickly and what occurred was too quick to process. Colleague A also stated that she was confused about what was happening and shocked that Mr Graves would do this at work.

Mr Graves was adamant that he did not masturbate in front of Colleague A.

The panel considered the evidence that it had been provided and considered the timeline in which this allegation is said to have happened the day after the school pub quiz. Although the panel noted that Colleague A was not able to recall the specific text messages leading up to the incident within this allegation, the panel considered the specific description that Colleague A was able to provide of the incident as compelling. Although Mr Graves was forthright about his denial of this incident, the panel found that it

was more likely than not to have occurred, particularly given the evidence of their relationship. Therefore, the panel has found this allegation proven.

c) Engaged in a course of conduct towards Colleague A that was harassing in nature in that you;

i) Drove to Colleague A's house and waited outside in your car

Mr Graves denied this allegation.

At the time of these allegations, Colleague A lived with her father and brother. She told the panel that they had CCTV at the front of the house.

The panel heard from Colleague A that after November/December 2012, Mr Graves would wait outside Colleague A's house. On separate occasions, Colleague A's father or brother would exit the house to confront Mr Graves, but he would then leave immediately in his car. Colleague A stated that with the CCTV, she could see him stay in his car outside her house.

On the night of the [REDACTED], around mid-December 2012, Mr Graves was seen by Colleague A by her car, and she asked Colleague B, who was a staff member at the School, to take her home in her car; this was at roughly 9:30 pm. Colleague A was concerned that Mr Graves would follow her home. On the journey, which was roughly a 20-minute drive, Colleague A and Colleague B noticed that Mr Graves was following them. Colleague B, in her evidence, stated that she thought Colleague A was exaggerating the possibility of being followed home by Mr Graves and could not believe it when she saw his car following hers.

Colleague A commented during evidence that Mr Graves did not live in the same direction as her and there would be no reason for him to travel in that direction. At Colleague A's home, only she and Colleague B were there. Although Colleague A could not see Mr Graves' face from the CCTV footage, she and Colleague B could see the type of car and registration plate as belonging to Mr Graves.

Due to Mr Graves being outside the house, Colleague A stated that Colleague B stayed with Colleague A until about 11 pm, when Colleague A's father came home. Colleague B stated that *"I didn't want to leave her alone"*. Colleague A stated that Mr Graves was outside her house for an hour and a half.

Mr Graves stated in evidence that he had only been to Colleague A's house once when she was sick from work.

The panel considered the evidence from Colleague A and Colleague B and the similarities between their accounts about Mr Graves being outside Colleague A's house.

The panel also considered that Colleague B did not feel it appropriate to leave Colleague A's house with Mr Graves outside.

The panel concluded from Colleague B's reaction to Mr Graves waiting outside Colleague A's house that this was highly unusual behaviour.

The panel was satisfied that Mr Graves was outside Colleague A's house given the corroboration between Colleague A's and Colleague B's accounts as to what had occurred on the night of the [REDACTED].

The panel considered that if Colleague B felt unable to leave Colleague A alone, due to Mr Graves being outside Colleague A's house and the length of time that Mr Graves was outside her house, then Mr Graves' conduct towards Colleague A would be harassing in its nature.

The panel went on to consider if Mr Graves' actions were approximately between September to December 2012. The panel concluded they were, due to the [REDACTED] being held in mid-December 2012. The panel also concluded that Mr Graves' actions were inappropriate for a senior leader to exhibit to one of the most junior members of staff late at night. Therefore, the panel found this allegation proven.

ii) Waited by Colleague A's car after school

Mr Graves denied this allegation.

The panel was told by Colleague A that in and around November to December 2012, she wanted Mr Graves to stop contacting her outside of school matters. The panel understood that Colleague A wanted their personal relationship to stop.

Colleague A stated that Mr Graves was not happy about this and would wait by Colleague A's car in the School car park in order to speak to her. The panel heard from Colleague A that to avoid him, she would sometimes abandon her car and take the bus home. The panel heard from Colleague A that taking a bus would require her to extensively travel in and out of town, taking two buses and would add considerable time to her journey.

Colleague A stated that she would go to the staff toilets and look out of the window where she could see her car and whether Mr Graves was waiting by it or not.

In an email dated 28 November 2012 from Colleague A to Mr Graves, she talked about their current relationship and her concerns or issues. She stated, "*...again today when you were waiting in the car park...*".

At another time, on the night of the [REDACTED], around mid-December 2012, Mr Graves was seen by Colleague A by her car, and she asked Colleague B to take her home in her car.

Mr Graves, in evidence, told the panel that he denied waiting for her in the school car park, saying that he did admit waiting for her in a pub car park.

The panel considered the evidence and the contemporaneous email from Colleague A. The panel found the email to be helpful evidence of what Colleague A witnessed Mr Graves do regarding waiting for her by her car. Also, the panel found the evidence of Colleague A looking out of the staff toilets to see if Mr Graves was by her car compelling. The panel therefore found that Mr Graves would wait by Colleague A's car after school.

The panel considered whether Mr Graves' conduct towards Colleague A was harassing in nature. The panel considered the email again and the wider context of Colleague A being unhappy about Mr Graves' behaviour. The panel therefore concluded that this conduct was harassing in nature. The panel then considered whether Mr Graves' actions were approximately between September and December 2012 and whether they were inappropriate. The email was sent by Colleague A in November 2012 and the panel concluded that waiting by an individual's car after school in the hope of talking to them when not being able to do so in the School was inappropriate. Therefore, the panel found this allegation proven.

5. Your conduct at paragraphs 1, and/or 2 and/or 3 and/or 4 was sexually motivated and/or was of a sexual nature.

The panel found allegations 1a), 2c), 2e), 2f), 2g), 3a), 3b), 4a), 4b), 4c)(i), and 4c)(ii) proven.

The panel noted that the state of Mr Graves' mind was not something that could be proved by direct observation and could only be proved by inference or deduction from the surrounding evidence.

Allegation 1a) involved Mr Graves touching and/or rubbing Student A on the leg whilst in his car. Although Student A at the time said that *"it was a comfort gesture"*, saying to herself that it was something her father would have done. Student A stated as she got older, she realised that Mr Graves' conduct was inappropriate. All these allegations were sexual in nature since a reasonable person would consider that whatever its circumstances or any person's purpose in relation to them, such conduct was because of its nature sexual. They involved actions that were rubbing and/or touching of the leg. The panel held that Mr Graves performed these actions in the likely pursuit of sexual gratification and were therefore sexually motivated and of a sexual nature.

Allegation 2c) involved kissing Student B whilst in Mr Graves' office, and allegations 2e) and 2f) involved touching Student B's back under her jumper whilst kissing Student B and kissing her at her home. All these allegations were sexual in nature since a reasonable person would consider that whatever its circumstances or any person's purpose in relation to them, such conduct was because of its nature sexual. They involved actions

that were in some way sexual, involving intimate areas of the body, kissing, and touching whilst kissing. The panel held that Mr Graves performed these actions in the likely pursuit of a future sexual relationship or in the pursuit of sexual gratification and were therefore sexually motivated and of a sexual nature.

Allegation 2g) involved Mr Graves sending messages of a sexual nature to Student B. This allegation was sexual in nature since a reasonable person would consider that whatever its circumstances or any person's purpose in relation to them, such conduct was because of its nature sexual. The allegation involved actions that included text messages of Mr Graves wanting to have sex with Student B in his home and on top of his desk. The panel held that Mr Graves performed these actions in the likely pursuit of a future sexual relationship or in the pursuit of sexual gratification and were therefore sexually motivated and of a sexual nature.

Allegation 3a) involved touching and/or rubbing Student C's thigh. All these allegations were sexual in nature since a reasonable person would consider that whatever its circumstances or any person's purpose in relation to them, such conduct was because of its nature sexual given Student C's description that he "*touched me higher than anyone should put their hands.*". They involved actions that were rubbing and/or touching of the leg. The panel held that Mr Graves performed these actions in the likely pursuit of sexual gratification and were therefore sexually motivated and of a sexual nature.

Allegation 3b) involved invading Student C's personal space by placing Mr Graves' face very close to hers and touching the collar of her blazer. The panel concluded that by touching Student C's collar and invading her personal space, this was an example of a 'power play'. The panel did not conclude that this allegation was sexually motivated and/or of a sexual nature.

The allegations of 4a), 4b), 4c)(i), and 4c)(ii) involved kissing Colleague A, masturbating in front of Colleague A, driving and waiting outside of Colleague A's house, and waiting by her car after school. The panel heard from Colleague A that the kiss from Mr Graves involved him using his tongue. The panel also heard that Mr Graves masturbated in front of Colleague A and ejaculated onto her hair. The actions of Mr Graves in relation to waiting outside Colleague A's house and waiting by her car were held by the panel to have occurred because he wanted to continue a romantic relationship and the panel accepted that he ultimately wanted a physical relationship with Colleague A after she had rebuffed the suggestion.

These allegations were sexual in nature since a reasonable person would consider that whatever its circumstances or any person's purpose in relation to them, such conduct was because of its nature sexual. They involved kissing, masturbation, and the continued attempt to pursue Colleague A after she decided to end their relationship in its current form.

The panel held that Mr Graves performed these actions in the likely pursuit of a future sexual relationship and were sexually motivated. The panel concluded that allegation 4a) was also of a sexual nature.

The panel therefore found allegation 5 in relation to the facts of allegations 1a), 2c), 2e), 2f), 2g), 3a), 4a), 4b), 4c)(i), and 4c)(ii) proven.

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

1. Between September 2010 and July 2014, you behaved in an inappropriate manner towards Student A and/or failed to adhere to professional boundaries in that you:

b) Touched and/or rubbed Student A on the leg on more than one occasion when alone with her in the office

Mr Graves denied this allegation.

Student A stated in evidence that she used to go into Mr Graves' office. She would often go to Mr Graves' office if she was upset or wanted some space during school time. Mr Graves' office would be open, and he was supportive of students using his room as a safe space. Student A described Mr Graves' office as a safe space for her.

Student A described that she had a good rapport with Mr Graves. She said in evidence that she could "*get away with quite a lot*" if she was with him. Student A stated that she could be herself in his office.

Student A described that she would sit on the left-hand side of the office. Mr Graves' desk would be in the corner, and he arranged his desk to be facing the window.

This description and layout of the room is consistent with what the panel heard from other witnesses and Mr Graves. Mr Graves said in evidence that he had the room set out like that so there was no barrier between him and the people he was talking to.

Student A, in evidence, stated that Mr Graves would move his chair and sit directly in front of her. Student A would have her legs together and he would have his legs open, overlapping hers.

Student A described the touch of Mr Graves' hand on her leg as comforting in nature and that he had a calm demeanour.

The panel heard that there was a window in Mr Graves' room; however, it faced a quiet part of the school with little to no foot traffic.

Again, Mr Graves denied touching Student A in the manner of the allegation.

The panel was cognisant of the passage of time between the date these events were said to have occurred, and the date evidence was heard by the panel. The panel considered that it was likely that the passage of time has had an impact on Student A's recollection of the alleged events.

Whilst the panel appreciated that Student A could recall Mr Graves' office and his alleged actions, they concluded that Student A was unable to provide sufficient specificity as to how and in what manner Mr Graves allegedly touched Student A or the context.

Therefore, the panel concluded on the balance of probabilities that this allegation was not proven.

2. Between April 2010 and January 2011, you behaved in an inappropriate manner towards Student B and/or failed to adhere to professional boundaries in that you:

a) Were alone in your office with Student B on more than one occasion

Mr Graves denied this allegation.

As stated above, Student B required some additional support following her [REDACTED]. Mr Graves permitted Student B to use his office to make a hot drink or take a break when needed. This could occasionally involve sitting quietly.

Mr Graves stated in his evidence that he permitted students to enter his office to prepare a hot drink.

Student B would sit in Mr Graves' office when the door was open. The panel noted that this was consistent with Mr Graves' description of how other students used his office.

The panel found that Student B was alone in Mr Graves' office on more than one occasion between April 2010 and January 2011. However, Student B being in Mr Graves' office in and of itself does not amount to Mr Graves behaving in an inappropriate manner towards Student B and/or failing to adhere to professional boundaries. Therefore, the panel has found this allegation not proven.

b) Touched Student B over her clothing whilst she was in your office on more than one occasion

As set out above, Student B would on occasion be in Mr Graves' office.

On one occasion, Student B stated in evidence that she was in Mr Graves' office upset about [REDACTED]. Mr Graves came into the office and closed the door. Student B stated that she believed he locked the door as she heard a 'flick' when he closed the door.

She stated that she was sitting on a chair and Mr Graves sat opposite her. He sat close and put his legs either side of hers. He then began to rub his hands on her thighs, over her trousers. At the same time, Mr Graves was talking about Student B's [REDACTED], and he then placed his hand in between her legs.

Student B provided an account of this incident in a police interview she gave on 21 December (year not provided). Student B described that Mr Graves' hands were moving on her trousers and then on her vagina.

The panel held that the account provided by Student B in her oral and witness statement was consistent with the police interview, sufficiently describing the same events without using exactly the same terminology.

Student B described that as this occurred, she sat still, that she was scared, and she did not know what to do.

The panel concluded that in spite of the passage of time, Student B was able to provide detailed evidence of what occurred with Mr Graves in his office.

Mr Graves stated in his evidence that he did not speak to Student B much as he did not directly teach her. In relation to the [REDACTED], Mr Graves stated that at the time of the event he did not know that there was a link between the individual and Student B. Mr Graves stated that he never touched or rubbed Student B on her legs.

The panel has already dealt with the minimisation of the relationship between Mr Graves and Student B above.

The panel has also dealt with an analysis of Student B's credibility above which it adopts in relation to this sub-allegation. In addition, the panel noted that Student B's accounts were broadly the same and although there may have been some confusion of the dates and times, there was detailed evidence as to the description of these allegations, such as the description of Mr Graves' posture, where his hands were, what she was wearing, and Mr Graves' actions. She also recalled how she felt at the moment.

The panel was satisfied that the incident as alleged by Student B did occur. However, based on the wording of the allegation, the panel was not satisfied that there was evidence that the conduct alleged had occurred on more than one occasion. It is on this basis that the panel has found this allegation not proven.

d) Visited Student B at her home when her parents were not at home and you knew they weren't at home

Mr Graves denied this allegation.

As stated above, the panel heard from Student B that Mr Graves had come over to Student B's house on at least two occasions. Once to use the garage space by placing

food for the girls' football trip when Student B's parents were present, and the other was to see Student B when her parents were not present. The panel heard that Student B had left [REDACTED] and in January 2011, she had messaged Mr Graves asking for support. He came over to her house; when she opened the door she had been crying, and her eyes were 'puffy'.

Although Student B stated that Mr Graves knew she was alone before he arrived at the house, there was no evidence presented as to how he knew this, or of the text messages between Student B and Mr Graves. Therefore, it was unclear if Mr Graves was aware or knew that Student B was alone at home or that her parents were not at home.

Therefore, the panel has found allegation 2d) not proven.

4. Between approximately September 2012 and December 2012, you behaved in an inappropriate manner towards Colleague A in that you:

c) Engaged in a course of conduct towards Colleague A that was harassing in nature in that you;

iii) Purchased gifts for Colleague A.

Mr Graves denied this allegation.

The panel heard from Colleague A that Mr Graves gave her the following gifts:

- a Waterhouse painting;
- a cuddly toy monkey;
- flowers;
- a mixtape CD of songs; and
- cake.

Mr Graves said that he only gave Colleague A a mug.

The panel also heard that Mr Graves gave Colleague A cards, but the panel has not considered cards as gifts.

The panel was told that the cake was given in January 2013, and the panel notes that this was outside the timeframe of the allegation and therefore was not considered any further.

Colleague A gave evidence on the gifts. The panel heard that the Waterhouse painting, cuddly toy monkey, and flowers were sent to her home, where she lived with her father and brother. She commented that she had told Mr Graves that she liked a pre-Raphaelite art. Colleague A attributed this comment to her subsequent receipt of the John William

Waterhouse painting from him. She said that the print was very large, the size of the screen in the hearing room. As for the flowers, Colleague A was told by her father that the flowers were nice and if she did not want them, to re-gift them to her mother.

The mixtape CD was left under the windshield of Colleague A's car. Colleague A stated that the songs were *"leave me alone songs"*.

Colleague A did not retain any of the gifts. When she entered into a new relationship, she threw away these items.

Mr Graves said in evidence that he bought Colleague A a mug from [REDACTED] as her mug was broken by someone.

The panel considered the evidence provided to it. It found the description of the gifts by Colleague A compelling, in its detail and in particular the dimensions of the Waterhouse painting and the mixtape CD on her car windshield. The panel therefore found that Mr Graves did give gifts to Colleague A.

The panel, considering the stem of this allegation, concluded that gifts are a part of a new relationship and therefore the panel was not convinced by the evidence that Mr Graves' actions in giving these gifts was harassing in nature. Therefore, the panel found this allegation not proven.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as "the Advice".

For those allegations found proven that post-date 1 July 2011, the panel first considered whether the conduct of Mr Graves, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Graves 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
- showing tolerance of and respect for the rights of others
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

For those allegations found proven that pre-dates 1 July 2011, Mr Graves' 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 standards included:

- Not exploiting student vulnerabilities
- Not have sexually gratifying relationships with students
- Not to touch students without consent or legitimate reason (for example, to keep students or others safe).

Mr Graves had breached these standards in his conduct.

The panel also considered whether Mr Graves' 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.

The panel found that the offences of sexual activity and harassment were relevant.

The panel noted that the allegations 1a), 2e), 2f), 4c)(i), 4c)(ii) and elements of allegation 5 took place outside the education setting. Proven allegations included:

- touching and rubbing a student's leg in Mr Graves' car;
- touching a recently former student's back and kissing the student whilst in her home;
- waiting outside Colleague A's house;
- waiting for Colleague A by her car after school.

This conduct, in particular the fact the allegations concern students and junior staff, affects the way in which Mr Graves would fulfil his teaching role. It also leads pupils to being exposed to harmful behaviour, including an abuse of trust and power.

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

In relation to whether Mr Graves' 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 Graves' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Mr Graves was guilty of unacceptable professional conduct, the Panel found that the offences of sexual activity and harassment were relevant.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

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

For these reasons, the panel found that Mr Graves' 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 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.

In the light of the panel's findings against Mr Graves, there was a strong public interest consideration in respect of the safeguarding and wellbeing 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 Graves 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 Graves 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 Graves in the profession. Whilst there is evidence that Mr Graves had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Graves 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 Graves.

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 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.

The panel also considered that for those allegations found proven that pre-date 1 July 2011, that there was a serious departure from the professional teaching standards at the time of the conduct.

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 Graves' actions were deliberate.

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

Mr Graves did not demonstrate exceptionally high standards in his personal and professional conduct and neither has the panel seen evidence that he contributed significantly to the education sector. The panel did not accept that the incident was out of character.

The panel considered the good character evidence provided within the bundle. The panel noted 12 documents, which were labelled as character witness statements. The authors of the statements did not give evidence on Mr Graves' behalf. Of the 12 documents all state that they had sight of the allegations and full knowledge of the allegations as originally proposed prior to this hearing. The panel noted the content of the documents and that these were from teachers who worked with Mr Graves, professional colleagues and friends. The panel has also seen and considered the statement from [REDACTED]. The documents reference that Mr Graves was a good teacher and had a good relationship with the pupils in his schools.

Statements include:

From Individual A: *“As a line manager, Simon was supportive and offered the right level of challenge. He always had high expectations and held staff to account but also offered advice and a friendly word as needed. He was passionate about students and their achievement. He was a great English teacher, keen to share his expertise and experience in the classroom. I learnt a lot from him as a leader and found his guidance and perspective insightful.*

He was incredibly supportive of the initiatives I wanted to set up for our students, be it skateboarding or Somali parents’ group. He wanted all students to have access to a wide range of opportunities. Simon always showed interest in his colleagues, happy to have a friendly chat and a smile for those working with him. He was reflective and rational as a leader and was very good at calming down anxious or angry students and staff.”

From Individual B: *“Simon has always struck me as a committed family man, married, with [REDACTED]. It is absolutely true that when I found out about the criminal case, and that he had been charged, I was definitely surprised. It was beyond my comprehension that someone like Simon would knowingly do such a thing. This is not born out of naivety; I am a man of the world, married, [REDACTED], business owner, and [REDACTED], and I say it as it is. In my work I am also a [REDACTED] so I read people and understand things about behaviour, how and why people behave in a certain way.”*

From Individual C: *“In all the time I worked with Simon I found him to be an excellent teacher who prepared lessons meticulously, marked work frequently and taught thoroughly engaging lessons. He was well liked by the students. Simon was a great team member, who got on well with staff and contributed positively to the school’s ethos.”*

From Individual D: *“Simon as a person is generous and kind. He takes pride in providing his time in helping the community through his coaching. He is kind, diligent and hardworking. His role as a coach is voluntary and he gives up his time willingly. He is passionate about football and this passion has watched numbers grow from approximately 22 girls to around 70. He is thoroughly professional and is an inspiration to many of the people he trains.”*

The panel considered all of the statements in their entirety but concluded that they do not believe that Mr Graves has demonstrated insight or reflection or remorse into his behaviours and actions as found proven. The panel heard from Mr Graves’ representative that there is no insight from Mr Graves. In particular there was no insight into the harm he may have caused Student A, Student B, and Student C.

Therefore, the panel concluded that with a lack of insight and remorse to those individuals affected and impacted by his actions and behaviour, the chance for repeated actions remains high.

The panel was presented with no further mitigation.

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 Graves 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 Graves. The sexual motivation and sexual nature of some of the allegations and also taking advantage of vulnerable students who were experiencing loss or upset was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are 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;

The panel found that Mr Graves was responsible for:

- touching and rubbing Student A's leg whilst in his vehicle.
- kissing Student B whilst she was in his office, touching and kissing Student B whilst in her home, sending text messages to Student B of a sexual nature.
- touching and rubbing Student C's thigh and invading her personal space by placing his face very close to Student C's and touching the collar of her blazer.

Which all amounted to sexual misconduct involving a child.

Mr Graves also was responsible for:

- kissing Colleague A on school premises, masturbating in front of Colleague A in his office, and engaging in a course of conduct that was harassing in nature.

Which amounted to serious sexual misconduct by using his professional position in comparison to Colleague A.

A number of these actions were also found to be conduct that was sexually motivated and/or of a sexual nature. The panel found that Mr Graves did a number of these actions for sexual gratification.

It was on this basis that the panel concluded that Mr Graves' behaviours weigh in favour of not offering a review period.

The panel should note that these lists are not intended to be exhaustive, and panels should consider each case on its individual merits, taking into account all the circumstances involved.

The panel took into account the issue of mitigation; however, no significant mitigation was provided for the panel to consider. The lack of insight and genuine remorse shown by Mr Graves meant that the panel could not be satisfied that there would not be repeated behaviours and/or conduct that could put pupils at risk of harm again.

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

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Graves 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
 - showing tolerance of and respect for the rights of others
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has also noted that:

“For those allegations found proven that pre-dates 1 July 2011, Mr Graves' 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 standards included:

- Not exploiting student vulnerabilities
- Not have sexually gratifying relationships with students
- Not to touch students without consent or legitimate reason (for example, to keep students or others safe).

Mr Graves had breached these standards in his conduct.”

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

The findings of misconduct are particularly serious as they include a finding of inappropriate conduct towards pupils and a colleague that was sexually motivated and of a sexual nature.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered

therefore whether or not prohibiting Mr Graves, 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 has observed that “there was a strong public interest consideration in respect of the safeguarding and wellbeing 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. The panel has concluded that “with a lack of insight and remorse to those individuals affected and impacted by his actions and behaviour, the chance for repeated actions remains high.” In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Graves were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of inappropriate, sexually motivated behaviour in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Graves himself. The panel has commented, “Mr Graves did not demonstrate exceptionally high standards in his personal and professional conduct and neither has the panel seen evidence that he contributed significantly to the education sector. The panel did not accept that the incident was out of character.”

The panel has also noted that it had considered 12 written character witness statements which referred to Mr Graves as a good teacher who had good relationships with the pupils in his schools.

A prohibition order would prevent Mr Graves from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments on the serious nature of the misconduct found proved. The panel has said that the "sexual motivation and sexual nature of some of the allegations and also taking advantage of vulnerable students who were experiencing loss or upset was a significant factor" in leading it to recommend that a prohibition order should be imposed on Mr Graves. I have also placed considerable weight on the panel's comments concerning the lack of full insight and remorse.

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

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

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

The Advice indicates that the public interest will weigh in favour of not offering a review period where cases involve serious sexual misconduct or any sexual conduct involving a child. The panel has found that Mr Graves was responsible for behaviour that amounted to sexual misconduct involving a child and sexual misconduct by using his professional position with a colleague.

The panel has also commented that "no significant mitigation was provided for the panel to consider. The lack of insight and genuine remorse shown by Mr Graves meant that the panel could not be satisfied that there would not be repeated behaviours and/or conduct that could put pupils at risk of harm again."

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 proved, the lack of full insight and remorse, and the risk of repetition.

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 Simon Graves 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 Graves 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 Simon Graves has a right of appeal to the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 16 April 2025

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