



Teaching  
Regulation  
Agency

# **Mr Gavin Nicholson: Professional conduct panel outcome**

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

**December 2025**

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

**Teacher:** Mr Gavin Nicholson

**Teacher ref number:** 0356782

**Teacher date of birth:** 22 May 1977

**TRA reference:** 21591

**Date of determination:** 4 December 2025

**Former employer:** Broomfield School, London Borough of Enfield.

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 30 June to 4 July 2025 and on 1 to 4 December 2025 by way of a virtual hearing, to consider the case of Mr Gavin Nicholson.

The panel members were Mrs Oluremi Alabi (lay panellist – in the chair), Ms Aruna Sharma (teacher panellist) and Mrs Ashley Emmerson (teacher panellist).

The legal adviser to the panel was Helen Kitchen of Blake Morgan, solicitors.

The presenting officer for the TRA was Mr Lee Bridges instructed by Kingsley Napley, solicitors.

Mr Nicholson was present and was not represented on 30 to 4 July 2025. Mr Nicholson was not available to attend on 1 December 2025, and the case was adjourned until 2 December 2025. The case continued from 2 December to 4 December 2025. Mr Nicholson was present and was not represented on the 2 December to 4 December 2025.

Further to a case direction, Independent Counsel, Mr Connor Hegerty, was instructed for the cross examination of two pupil witnesses, Pupil A and Pupil B.

Later in the hearing, when evidence was called from a third pupil witness, another Independent Counsel, Martin Jones, was instructed to cross-examine a pupil witness, Pupil FG.

The hearing took place in public, save that portions of the hearing were heard in private, and was recorded.

## **Allegations**

The panel considered the allegations set out in the notice of proceedings dated 05 March 2025.

It was alleged that Mr Gavin Nicholson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working at Broomfield School (the School):

- 1. Between September 2022 and December 2022, he did not maintain professional boundaries with Pupil A, in that he:**
  - a) Exchanged emails of an inappropriate and/or personal nature with Pupil A after she had left the School; and/or**
  - b) Gave Pupil A his Facebook profile name and/or picture.**
- 2. Between October 2018 and October 2022, he did not maintain professional boundaries with Pupil B in that he:**
  - a) Whilst Pupil B was a pupil at the School, he exchanged emails of an inappropriate and/or personal nature; and/or**
  - b) After Pupil B had left the School, he gave Pupil B his personal phone number; and/or**
  - c) After Pupil B had left the School, he exchanged messages on his personal mobile phone via WhatsApp; and/or**
  - d) In or around June 2022, he hugged Pupil B**
- 3. Between March 2020 and September 2022, he did not maintain professional boundaries with Pupil C in that he:**
  - a) Exchanged emails of an inappropriate and/or personal nature; and/or**
  - b) Exchanged messages on his personal mobile phone via WhatsApp.**
- 4. On or around 15 November 2022, he did not maintain professional boundaries with Pupil FA, in that he kissed her hand.**
- 5. Between September 2021 and September 2022, on one or more occasion(s), he hugged one or more pupil(s).**

- 6. In or around November 2022, he leaned in close towards Pupil FG and whispered that her “skirt is far too short”, or words to that effect.**
- 7. He exchanged WhatsApp messages and/or emails with one or more former pupil(s) despite being told not to be in communication with former pupils by the Designated Safeguarding Lead on 9 September 2021.**
- 8. His conduct at paragraphs 1 and/or 2 and/or 3 and/or 4 and/or 5 was sexually motivated.**
- 9. At the time of his conduct in respect of Pupil A as outlined in allegations 1a and/or 1b he knew, or ought to have been aware, that she was vulnerable.**
- 10. At the time of his conduct in respect of Pupil B as outlined in allegations 2a and/or 2b and/or 2c and/or 2d he knew, or ought to have been aware, that she was vulnerable.**
- 11. At the time of his conduct in respect of Pupil C as outlined in allegations 3a and/or 3b he knew, or ought to have been aware, that she was vulnerable.**
- 12. At the time of his conduct in respect of Pupil FA as outlined in allegation 4 he knew, or ought to have been aware, that she was vulnerable.**

Mr Nicholson fully admitted allegations 1b, 2b, 2c, 2d, 3b, 4, 7, 9, 10 and 11.

Mr Nicholson admitted allegations 1a, 2a and 3a save that he denied that the emails exchanged were of an inappropriate nature. He also accepted that the email exchange in each of these allegations was unprofessional. Mr Nicholson also admitted allegation 6 save that he denied whispering.

Mr Nicholson denied allegations 1a, 2a and 3a in so far as they alleged that the emails exchanged were of an inappropriate nature. He also denied allegation 5, allegation 6 in so far as it alleged whispering, allegation 8 and allegation 12. The panel formally treated these allegations as denied although took in to account the partial admissions that Mr Nicholson had made to allegations 1a, 2a, 3a, and 6.

Mr Nicholson admitted unacceptable professional conduct in relation to those allegations, and those parts of the allegations, that he had admitted. He did not appear to fully accept that his admitted conduct may have brought the profession into disrepute and so this was treated as denied.

## Summary of evidence

### Documents

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

Section 1: Chronology and list of key people – pages 1 to 9

Section 2: Notice of hearing and response to notice of hearing – pages 10 to 17

Section 3: Teaching Regulation Agency witness statements – pages 18 to 43

Section 4: Teaching Regulation Agency documents – pages 44 to 822

The panel also received the following documents from Mr Nicholson

- A bundle of materials - pages 1 to 25

The panel also received the following further documents which it admitted in the course of the hearing;

- An email dated 31 July 2019 from the [REDACTED] to Mr Nicholson - page 1
- A letter dated 25 April 2025 relating to Mr Nicholson's [REDACTED] - page 1
- A photograph of a Jack Petchey Award given to Mr Nicholson and the accompanying certificate and medal
- Photographs of four cards given to Mr Nicholson by various pupils expressing their appreciation of his teaching

The panel members confirmed that they had read all of the documents in the bundles in advance of the hearing and had read the additional documents that the panel admitted at the outset of the hearing. The panel read the further documents admitted during the course of the hearing as and when they were received.

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

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

Witness A – [REDACTED]

Witness B – Pupil A, [REDACTED]

Witness C – Pupil B, [REDACTED]

Witness D – [REDACTED]

Witness E – Pupil FG, [REDACTED]

Mr Nicholson also gave oral evidence.

## **Decision and reasons**

The panel announced its decisions and reasons as follows:

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

On 3 September 2012 Mr Nicholson commenced working at the School as a teacher of English employed through an agency. He became a permanent member of staff in February 2013. Subsequently, he was appointed as the Lead Teacher for Literacy. He was responsible for managing literacy across the School and ran a “creating literate learners” scheme. Mr Nicholson had responsibility for 41 hours across a two-week timetable and, from 2015 onwards taught pupils aged 11 to 16. He was also a form teacher.

On 15 March 2021 Mr Nicholson was reminded of his safeguarding obligations by [REDACTED] of the School and the School’s DSL including how to handle disclosures from pupils and appropriate relationships.

On 9 September 2021 the [REDACTED] provided advice to Mr Nicholson regarding safeguarding which was confirmed to him in an e-mail the following day.

In June 2022 Mr Nicholson allegedly hugged Pupil B.

On or around 15 November 2022 Mr Nicholson allegedly kissed Pupil FA’s hand.

On 17 November 2022 Pupil FG, [REDACTED] at the School, reported to the School’s [REDACTED] that she felt uncomfortable with Mr Nicholson because of a remark that she said he had whispered to her about the length of her skirt. She, and two pupils who were with her when she reported her concern, Pupil FF and Pupil FE, also raised a concern that Mr Nicholson had kissed the hand of another pupil in a lesson. The issues were reported to the [REDACTED], the [REDACTED] and the LADO the same day. Mr Nicholson was advised on 17 November 2022 of a concern having been raised but was given no detail about it.

On 24 November 2022 a multiagency meeting was held which included the LADO, the Police and the School. It was decided that no police investigation would be carried out

but that the School should undertake its own investigations. Mr Nicholson was advised of this the same day. An investigation was then undertaken by Witness A, [REDACTED].

On 7 December 2022 Mr Nicholson attended an investigatory meeting.

On 5 January 2023 it was established that Mr Nicholson had access to Pupil A's personal email address and so a search of his School email accounts was undertaken.

Between 9 to 12 January 2023, it was discovered that Mr Nicholson had e-mail exchanges with three pupils on his work and personal email addresses.

On 11 January 2023 Mr Nicholson was suspended.

On 19 January 2023 a second investigatory meeting was held with Mr Nicholson.

In February 2023 Mr Nicholson's employment at the School ended.

On 7 March 2023 a referral was made to the TRA about Mr Nicholson.

## **Findings of fact**

The findings of fact are as follows:

**1. Between September 2022 and December 2022, you did not maintain professional boundaries with Pupil A, in that you:**

**a) Exchanged emails of an inappropriate and/or personal nature with Pupil A after she had left the School; and/or**

Mr Nicholson admitted the facts of 1a save that he did not admit that the emails exchanged were inappropriate. In making admissions Mr Nicholson stated that he accepted that his conduct in keeping in touch with Pupil A was unprofessional.

Witness A advised the panel that Pupil A left the School [REDACTED]. [REDACTED].

Witness A told the panel that during the School's investigations Pupil A had provided the School with copies of emails between herself and Mr Nicholson. A few deleted emails between them had also been found on the School's computer system. Witness A had drawn up a schedule of emails that had been exchanged between Mr Nicholson and Pupil A. She explained that she had concerns about the nature of what was being said, the type of relationship that was being demonstrated in those and that the email exchange was with a student, on a personal email, after the pupil had left the School. She also had concerns at the timing of some of the emails



Witness A had discussed the emails with Mr Nicholson at his investigatory meeting on 19 January 2023.

During that meeting Mr Nicholson admitted he had been in touch with Pupil A “a couple of times” since she had left the School [REDACTED]. He said that Pupil A was [REDACTED]. Mr Nicholson said that he had received an email from Pupil A on [REDACTED] updating him about her new school in which she had signed off as “your literary daughter”. He forwarded this to his personal email so he could reply when he got home. He said he had replied on [REDACTED] at 10.20 hrs addressing the issues she had raised including discussions around the game “kiss/marry/kill”. He had suggested that it was better if Pupil A used his personal email. He denied that this was to go “off grid” or had any inappropriate motivation. He was only seeking to reassure Pupil A. He had no intention of meeting up or instigating anything. Mr Nicholson said that the use of terms like “literary daughter”, “literary dad” and “imaginary daughter” referenced an on-going joke between them. Mr Nicholson said he had initially proposed to send another email from his work email address to Pupil A on [REDACTED], asking if she had received his earlier email, but then he deleted this. He could not recall why he had deleted it. Mr Nicholson sent Pupil A another email, on [REDACTED], from his personal email address, which referred to the death of an author and included an image of his Facebook page he had made which related to this. Mr Nicholson later emailed Pupil A on [REDACTED] at 20.00 hrs from his personal email address about parking at her school when he was planning to attend [REDACTED]. He signed off that email as “your not-evil fake father”.

At the same investigatory meeting Mr Nicholson referred to him being the only person in Pupil A’s life who shared her passion for literature and that “she wasn’t asking me to be part of her life”. He stated that he never got the impression that “she thought it was anything other than friendly communication”. On reflection, he thought that he was a “bit thick” in not understanding how the emails might have been viewed by others. He understood that the emails could be misconstrued. He understood that using his personal email address was inappropriate.

Pupil A told the panel that she understood from Mr Nicholson’s email of [REDACTED] that he knew that the author concerned was her favourite author and that the author’s books were very important to her. She referenced what Mr Nicholson had said and she explained that she “just understood that he wanted to just give me his condolences about losing a creative that I was really attached to, that’s all I got from it”. Pupil A was aware that Mr Nicholson knew that the author was important to her because he had introduced Pupil A to her books and they had discussed them at school. She said that she trusted Mr Nicholson and that he had “stood up to (sic) me like as a teacher” and “really supported” her in lessons. Mr Nicholson had never tried to contact her on social media [REDACTED].

Pupil A described Mr Nicholson as someone to whom she could talk when she was going through intensely challenging periods of time and she had no other adult to whom she could talk. She said the relationship started as a normal student/teacher relationship, but he became “like a father figure to... [her] [REDACTED]”. She further said he would let her talk about her feelings and give her advice. She described herself as “a very over-sharing person” and the more he listened to her the closer she felt to him. She had no one else who listened to her. She did not ever feel that Mr Nicholson pushed her to talk about her personal life. She talked about it even if he didn’t ask.

In his oral evidence Mr Nicholson told the panel that he accepted that the emails were personal but did not accept that they were inappropriate. He took the word inappropriate to imply that he was seeking to pursue an inappropriate intimate, romantic or physical relationship with the pupil, which he strongly denied. Pupil A had looked up to him as he had helped her on one occasion. When Pupil A was stressed about starting at a [REDACTED], he provided her with recommendations as to how she could settle in and how to address issues she was having in some of her lessons. He indicated that when the author died, he was reaching out to Pupil A “to make sure that she was ok” as he knew how devoted and loved this author was by the Pupil A. He said he was not trying to be a [REDACTED].

Mr Nicholson further advised the panel that after he had been made aware of the allegations the School was investigating, he became aware that he was in “deep trouble”. He panicked and deleted emails from his account. He said that he was not “trying to prevent anything from being seen as such”. He said that there was nothing in what was deleted other than kids saying “hi”.

The panel had the relevant available emails and noted that they included phrases such as Mr Nicholson addressing Pupil A as “imaginary daughter” as well as making comments such as “My work replies will have zero swears and I fucking love swearing”, “I have written to you a lot. I promise I am not stalking you” and “I am shocked you have the audacity to contact me claiming some alien subject is your new favourite, I might have to disinherit you”.

The panel considered the exchange of emails. It found the emails from Mr Nicholson to be personal both in tone and content. It also noted that they were sent from a personal email address out of school hours such at such times as 20.00 hrs and 19.50 hrs. The emails did not concern schoolwork and did not reflect a professional teacher/pupil relationship. The exchange of emails was a breach of Enfield Council’s Model Code of Conduct (the Code of Conduct) and the “Guidance for safer working practice for those working with children and young people in education settings – May 2019”) (the Safer working guidance), regarding communicating with children, to which Mr Nicholson’s attention had been drawn in September 2021.

The panel noted that Pupil A was still a child at the time the emails were exchanged. The panel found that the email exchange represented the development of an inappropriately informal and personal relationship which should not have been permitted, facilitated and encouraged by Mr Nicholson. He should have stopped it developing.

The panel found that Mr Nicholson should have been aware from his safeguarding training, from the School's policies, and, from basic teaching principles that the email exchange should not have taken place. He should have ensured that it did not continue.

For these reasons the panel found that the emails exchanged were personal and inappropriate and their exchange was a serious overstepping of professional boundaries by Mr Nicholson.

Taking these factors in to account the panel found allegation 1a proven in full taking account of the evidence of Mr Nicholson and the findings of the panel.

**b) Gave Pupil A your Facebook profile name and/or picture.**

Mr Nicholson accepted that he had sent an image including his profile name and picture to Pupil A and that these were from his Facebook profile. He admitted allegation 1b on that basis. However, he did not think that it was apparent from the face of what was sent that the page was from Facebook.

Witness A produced the image of the Facebook page that had been sent to Pupil A by Mr Nicholson on 23 September 2022.

Pupil A told the panel that she understood the relevant document arrived as an attachment to an email and that, from its format, it appeared to her to be an image of a Facebook page, something she was familiar with as [REDACTED] used to have Facebook.

The panel noted that in his investigatory interview Mr Nicholson had stated that he had "thought that he had cut out his name and the profile picture" which had not taken place.

Mr Nicholson advised the panel that he was aware that Pupil A did not have a Facebook account as social media was a big topic of conversation at that time, especially after COVID.

The panel noted that the page carried what appeared to be an image in the form of a round picture that would normally be associated with, and appear on, a Facebook page and, what appeared to be a Facebook profile name. It was recognised by Pupil A as

being a Facebook page. The panel found, on the balance of probabilities, that this was from a Facebook page.

The panel noted that the page was sent in the context of a wider exchange of emails which it had found to be personal, inappropriate and a breach of guidance and professional boundaries.

The panel found that in providing Pupil A, a former pupil of the School, with his Facebook profile and picture Mr Nicholson was seriously overstepping professional boundaries. His conduct was a breach of the Code of Conduct and the Safer working guidance, with regard to communicating with children:

*“Para 12 ... Communication with children both in the ‘real ‘world and through web based and telecommunication interactions should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, instant messages, social media such as Facebook and Twitter, chat-rooms, forums, blogs, websites, gaming sites, digital cameras, videos, web-cams and other hand-held devices. (Given the ever-changing world of technology it should be noted that this list gives examples only and is not exhaustive.)*

*Staff should not request or respond to any personal information from children other than which may be necessary in their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as ‘grooming behaviour’.*

*Staff should not give their personal contact details to children for example, e-mail address, home or mobile telephone numbers, details of web-based identities. If children locate these by any other means and attempt to contact or correspond with the staff member, the adult should not respond and must report the matter to their manager. The child should be firmly and politely informed that this is not acceptable.”*

In providing the Facebook profile Mr Nicholson inappropriately gave the former pupil a way of contacting him on a personal basis, outside any of the School’s professional limits or controls.

The panel also found that Mr Nicholson should have been aware from his safeguarding training, from the School's policies and from fundamental professional principles that he should not have provided Pupil A with this page. His providing it to Pupil A was a serious overstepping of professional boundaries.

Taking these factors into account, the panel found allegation 1b proven in full based on Mr Nicholson's admission, which it found to be consistent with the evidence before it, and its finding, on the balance of probabilities, that the page was a recognisable Facebook page.

**2. Between October 2018 and October 2022, you did not maintain professional boundaries with Pupil B in that:**

**a) Whilst Pupil B was a pupil at the School, you exchanged emails of an inappropriate and/or personal nature; and/or**

The panel considered that it was implicit in the wording of the allegation that the email exchange referred to in this allegation was with Pupil B and noted that the case had proceeded, and Mr Nicholson had responded to the allegation, on this basis.

Mr Nicholson admitted allegation 2a save he did not admit that the emails were inappropriate in nature. Mr Nicholson admitted that his conduct was unprofessional.

Witness A advised the panel that Pupil B left the School [REDACTED].

Witness A produced to the panel a list of emails which included around 55 emails exchanged between Pupil B and Mr Nicholson between October 2018 and [REDACTED] (when Pupil B left the School). The panel noted that those sent by Mr Nicholson came from his school email address. The panel also noted that on some occasions Mr Nicholson had forwarded emails sent to him by Pupil B from his school email address to his personal email account. The panel noted that many of the emails referred to, or included, poetry/poems.

Mr Nicholson's emails had included him addressing Pupil B as "my sister in verse", and comments such as "My thoughts on your poem. I wish I could be sharing them in person, but this is the best I can do for now. Be strong. I know you are", "I'm more than slightly disgruntled with you", "You want me to record myself singing? Am I reading this correctly?", "You made me cry a bit in front of my year 10's. I will never forgive you and will hate you forever, you lovely, lovely person" and "Don't be a stranger so I don't have to miss you too much".

Witness A explained that although poems might be exchanged between a pupil and an English teacher, she was concerned that Pupil B was inviting Mr Nicholson to events outside school, that personal email addresses were being used and that the communications did not stop when Pupil B left the School.

Witness A's evidence was that, at his investigatory meeting, Mr Nicholson had indicated that Pupil B had come to see him about her poetry every day for about 4 to 5 years and he had helped her with her writing. Mr Nicholson said that [REDACTED], when Pupil B had tried to reach him by email, he had sought advice from the [REDACTED] about the appropriateness of the contact and, in consequence, had not responded.

Witness D advised the panel that Mr Nicholson was the Trusted Adult for Pupil B.

Pupil B's evidence to the panel was that Mr Nicholson had been her form teacher for two years and, later, was her English teacher in years 10 and 11. She had approached him and shown him, and multiple other English teachers at the School, her creative writing. She knew of his interest in poetry. This was before Mr Nicholson became her teacher in about mid-year 7/ mid-year 8. Mr Nicholson would read her poems aloud and then critique them and they would then discuss things like the inspiration for the poetry and edits to it. Later, she started to experience personal issues, and her poems became more personal. She then started to discuss some of her personal challenges with Mr Nicholson both in person, in the School, and in emails. [REDACTED]. Mr Nicholson had encouraged her to speak to the [REDACTED]. She was aware that Mr Nicholson had referred some of the issues they spoke about to the [REDACTED] when he was concerned that she was [REDACTED].

Pupil B explained that her email exchange with Mr Nicholson was mostly about her poetry and via his school email address.

[REDACTED]. She trusted Mr Nicholson and thought of their relationship "as a friendship".

Mr Nicholson told the panel that he felt compelled to support Pupil B (for reasons outlined in more detail below) whom he considered to be a "fantastic writer". Most of his communications with her were about his review of, and support for, her poetry which she shared with him, as she had done so for many years, whilst she was at the School. The emails were motivated by his wish to support Pupil B and not for any ulterior motive. Mr Nicholson accepted that the email exchange crossed a professional boundary on an emotional level, which arose from his delight at seeing her writing and [REDACTED].

The panel noted Mr Nicholson's deletion of emails after he had been made aware of the allegations that were being investigated by the School, as detailed above.

The panel viewed and considered the relevant emails. They came from Mr Nicholson's school email.

The panel considered the exchange of emails. It found the emails from Mr Nicholson to be personal both in tone and content. It also noted that they were sent out of school hours such as at 21.58 hrs and 21.54 hrs. The emails did not concern schoolwork and did not reflect a professional teacher/pupil relationship. The exchange of emails was a breach of the Code of Conduct and the Safer working guidance, regarding communicating with children.

The panel also found that the email exchange did not reflect a professional teacher/pupil relationship and should not have come into existence in the context of that relationship. Rather, they represented an inappropriately close and friendly relationship which should not have existed. Mr Nicholson should not have allowed, facilitated or encouraged the e-mail exchange taking account of the professional teaching context.

The panel also found that Mr Nicholson should have been aware from his safeguarding training, from the School's policies and from basic teaching principles that he should not have engaged in this exchange of emails.

For these reasons the panel found that the emails exchanged were personal and inappropriate and their exchange was a serious overstepping of professional boundaries by Mr Nicholson.

The panel found allegation 2a proven in full on the basis of Mr Nicholson's admission and the findings made by the panel.

**b) After Pupil B had left the School, you gave Pupil B your personal phone number; and/or**

Mr Nicholson admitted allegation 2b. In making the admission Mr Nicholson accepted that his conduct was unprofessional.

Pupil B's evidence was that soon after she left the School she tried to contact Mr Nicholson at the School by email but received a response from the [REDACTED]. She later tried to contact him by telephone at the School but was not successful

Pupil B advised the panel that about a year after she left the School she had returned to pick up her certificates and asked to meet with Mr Nicholson. They had met and exchanged telephone numbers.

In his evidence to the panel Mr Nicholson stated that when Pupil B had visited the School to pick up her certificates the [REDACTED] had informed him that Pupil B was there. He had thought that he was trusted with her in some way by this. He had rushed down to see her. They had exchanged telephone numbers.

Mr Nicholson accepted that it was unprofessional of him to have given Pupil B his telephone number. He referred to his deep concern that he felt he was “abandoning” her when he adhered to the School’s decision, [REDACTED], that he should not be in e-mail contact with her. It was a decision he did not agree with, and which made him angry. When he met Pupil B at the School he was relieved of some of his worry and guilt when he saw that she was fine and OK. This led him to taking the unprofessional decision to exchange telephone numbers with her.

The panel noted that Mr Nicholson’s conduct was a breach of the Safer working guidance, with regard to communicating with children.

The panel found that Mr Nicholson’s action in giving his personal telephone number to Pupil B was a serious breach of professional boundaries. It facilitated personal contact between Mr Nicholson and Pupil B, a former pupil at the School, and a child. The contact was outside any of the School’s professional limits or controls and was a breach of the School’s guidance.

The panel found allegation 2b proven based on the admission of Mr Nicholson, which it found to be consistent with the evidence before it, and the findings of the panel.

**c) After Pupil B had left the School, you exchanged messages on your personal mobile phone via WhatsApp; and/or**

The panel considered that it was implicit in the wording of the allegation that the exchange of messages was with Pupil B and noted that the case had proceeded, and Mr Nicholson had responded to the allegation, on this basis.

Mr Nicholson admitted this part of the allegation. In making the admission Mr Nicholson accepted that his actions were unprofessional.

Pupil B told the panel that the WhatsApp exchange had started after she had come back into the School to pick up her certificates, about a year after she had left the School. She and Mr Nicholson had exchanged telephone numbers when they met at the School and they exchanged messages on WhatsApp after that. She considered some hearts that Mr Nicholson sent within the WhatsApp messages to be an expression of enthusiasm, praise or positive feedback for her poems. She referred to it as “a platonic expression of positive enthusiasm”. She did not see it as being exceptional or abnormal. Other



teachers may have responded similarly. An English teacher at her college had done so, but they did not necessarily have the capacity to use emojis as they used emails and papers.

Mr Nicholson accepted that he had exchanged these messages with Pupil B. He referred to his deep guilt at what he considered was his having abandoned Pupil B when he was told, [REDACTED], that he had to stop email communication with her. He explained his deep relief at finding Pupil B was fine when she visited the School to pick up her certificates. Mr Nicholson then communicated with her via WhatsApp. He said he felt compelled to support Pupil B having acted as her Trusted Adult when she was at the School and because of the impact of various personal stresses [REDACTED] (outlined in more detail later). He continued to communicate with Pupil B to support her with her poetry writing. He accepted that the messaging crossed professional boundaries on an emotional level as a result of [REDACTED].

The panel read and considered the WhatsApp messages exchanged between Mr Nicholson and Pupil B, who was a child at the time. It noted that the messages from Mr Nicholson included the phrases; “that was officially the best hug I’ve ever had from a student”, “I want to see your work. Let’s do something about that, soon...”, “You have to listen to my ..band’s lockdown album”, “I am astonished you possess the ability to be this offensive”, “I already miss reading your work in the same room as you. I want to see your eyes as you read them. I could always see more that way”, and “It’s lovely to read you work again (smiley face with heart eyes) but I’d still rather be in a room with you”.

The panel found the exchange of messages with Pupil B, who was a child, to be inappropriately personal both in tone and content. The messages did not reflect a professional teacher/pupil relationship and should not have come into existence in the context of a teacher/former pupil relationship. Rather, they represented an inappropriately close and friendly relationship which should not have existed, or have been allowed by Mr Nicholson to develop, taking account of the professional teaching context.

The panel also found that the exchange of WhatsApp messages was in breach of the Code of Conduct and the Safer working guidance, to which Mr Nicholson’s attention had been drawn in September 2021.

The panel further found that Mr Nicholson should have been aware from his safeguarding training, from the School’s policies, and, from basic teaching principles that the exchange of WhatsApp messages should not have taken place. He should have ensured it did not continue.

For these reasons the panel found that Mr Nicholson's involvement in the exchange of WhatsApp messages was a serious overstepping of professional boundaries.

The panel found allegation 2c proven based on Mr Nicholson's admission, which it found to be consistent with the evidence before it, and the findings of the panel.

**d) In or around June 2022, you hugged Pupil B**

Mr Nicholson admitted this part of the allegation. In making the admission Mr Nicholson accepted that his actions were unprofessional.

Pupil B told the panel that the hug had happened after she had come back into the School to collect her certificates. She met with Mr Nicholson and they had chatted and caught up about what she was doing at college and what had been happening at the School. When they had to go, they had hugged. She thinks he asked if it was okay for them to have a hug.

The Panel noted that the [REDACTED] had confirmed in an email that others were present when Mr Nicholson had been present with Pupil B.

The panel also noted that there was reference to a hug in the WhatsApp messages exchanged between Pupil B and Mr Nicholson. Mr Nicholson referred to "that was officially the best hug I've ever had from a student" and Pupil B replied "That's the best hug I've ever had from a teacher. I'm glad you were there when I came. I really did miss seeing you".

Mr Nicholson told the panel of the relief that he felt on meeting Pupil B and finding that she was fine and the guilt that he had felt at what he perceived as his having "abandoned" her beforehand, when he had not been allowed to communicate with her and had not done so. He indicated that the hug was consensual and did not take place with any ulterior motive.

On the basis of the admission the panel found as a matter of fact that a hug had taken place between Pupil B and Mr Nicholson.

The panel then considered the context of the hug. It noted that the hug was consensual and took place when Mr Nicholson and Pupil B were saying goodbye at the end of what may properly have been their last meeting. It had apparently taken place in the presence of others. Taking all of these factors into account the panel did not consider that the hug represented a failure to maintain professional boundaries.

On this basis the panel found allegation 2d not proven.

**3. Between March 2020 and September 2022, you did not maintain professional boundaries with Pupil C in that you:**

**a) Exchanged emails of an inappropriate and/or personal nature; and/or**

The panel considered that it was implicit in the wording of the allegation that the email exchange was with Pupil C and noted that the case had proceeded, and Mr Nicholson had responded to the allegation, on this basis.

Mr Nicholson admitted this part of the allegation. In making the admission Mr Nicholson accepted that his actions were unprofessional.

The panel noted that between 18 March 2020 and 21 May 2020, whilst Pupil C was a pupil at the School (she left the School [REDACTED]), there were 11 emails exchanged between Mr Nicholson and Pupil C, 5 of which emanated from Mr Nicholson. This included an email on 18 March 2020 at 21.59 in which he said “I’ll be checking in here once a day or so. Or we can find another way to communicate .. what I do know is that if you are using that many questions marks in one message, we need to talk. Urgently. Don’t panic. You are still great”. On 19 March 2020 Mr Nicholson said “Reach out. I’m here for bluff and distraction”. In another email on 24 March 2020 at 18.17 Mr Nicholson stated “I HAVE NOT QUIT ON YOU!! (Yet)”. He also said in the same email, “I also miss seeing you fried and bawling in my room every morning. Gave me structure and purpose, and now I am bereft of both” and, referring to using Zoom “then you can verbally abuse several of your friends at the same time” and “AND I’ll be seeing you. In my regular nightmares if nowhere else”.

In an email on 27 April 2020 Mr Nicholson’s response to Pupil C includes that he “was rubbish in not replying to..[Pupil C’s]..last email”, referred to Pupil C as a “massive scaredicat for not being able to cope with spiders”. He also stated “I am very, very proud that you could have that conversation [REDACTED]” and “If you want to talk about it any more, I promise I will be here a lot more than I have been so far and will gladly let you bend my ear no mater (sic) how many capital letters you misuse. I’m sorry I didn’t see you cry, because you know I live for that” and refers to himself as “one of the greatest human beings ever.”

In his investigatory meeting Mr Nicholson said that a number of comments he had made in his emails to Pupil C were jokes. He was aware that Pupil C was stressed and had discussed this with the [REDACTED]. He said that he believed Pupil C felt [REDACTED]. Mr Nicholson responded to her out of empathy and support.

In his oral evidence to the panel, Mr Nicholson stated that Pupil C had come to his classroom in clear distress on one occasion and that he had supported her. He had then sought to continue to support and assist Pupil C and was motivated only by wanting to help her. He felt compelled to support her for the same reasons as detailed in relation to Pupil B above.

The panel viewed and considered the relevant emails. It found them to be inappropriately personal in tone and content. The emails did not reflect a professional teacher/pupil relationship and should not have come into existence in the context of that relationship. Rather, they represented an inappropriately close and friendly relationship which should not have existed. Mr Nicholson should not have allowed, facilitated or encouraged the relationship taking account of the professional teaching context.

The panel also found that the exchange of messages was in breach of the Code of Conduct and the Safer working guidance, with regard to communicating with children.

The panel further found that Mr Nicholson should have been aware from his safeguarding training, from the School's policies and from basic teaching principles that the email exchange should not have taken place. He should have ensured it did not continue.

For these reasons the panel found that the emails exchanged were personal and inappropriate and their exchange was a serious overstepping of professional boundaries by Mr Nicholson.

The panel found allegation 3a proven in full based on Mr Nicholson's admission, which it found to be consistent with the evidence before it, and the findings of the panel.

#### **b) Exchanged messages on your personal mobile phone via WhatsApp.**

The panel considered that it was implicit in the wording of the allegation that the exchange of WhatsApp messages was with Pupil C and noted that the case had proceeded, and Mr Nicholson had responded to the allegation, on this basis.

Mr Nicholson admitted this part of the allegation. In making the admission Mr Nicholson accepted that his actions were unprofessional.

Mr Nicholson stated that he communicated with Pupil C on WhatsApp but could not recollect who had given who their telephone number to enable this to take place.

The panel did not have sight of any WhatsApp communications between Pupil C and Mr Nicholson. It noted that Mr Nicholson had stated that he generally cleared out his messages but that he had panicked at around the time of his first investigatory meeting

and had deleted various emails and messages with pupils at that time as he felt that the School's attitude, and the attitude of some staff with whom he had previously been close, had changed towards him in a negative way.

The panel considered that communications between a teacher and a pupil, or a former pupil, on WhatsApp was inappropriate. It was a personal form of communication which required personal numbers to be exchanged. Its use represented an inappropriate personalisation of the professional pupil/teacher relationship. Such a mode of communication was beyond the management and control of the School and put both the teacher, and the pupil, at risk of harm as this mode of communication was open to abuse by the teacher and/or the pupil.

The panel also found that the exchange of messages was a breach of the Code of Conduct and the Safer working guidance, with regard to communicating with children

Taking these factors into account, the panel found that the exchange of messages on Mr Nicholson's phone via WhatsApp was a breach of professional boundaries.

The panel found the allegation 3b proven based on Mr Nicholson's admission, which it found to be consistent with the evidence before it, and the findings of the panel.

#### **4. On or around 15 November 2022, you did not maintain professional boundaries with Pupil FA, in that you kissed her hand.**

Mr Nicholson admitted this part of the allegation, and stated that, to his shame, he accepted that he had acted as alleged. He "deeply regretted this".

Pupil FA's account to the School of the incident recorded that she had completed some work and that Mr Nicholson had said "good job" and then picked up her hand and kissed it. She felt uncomfortable about this.

The panel also had before it a number of written accounts which referred to this incident from Pupils FE, M1 and M2.

Mr Nicholson told the panel that Pupil FA had been [REDACTED] in English literature and that she did not respond well to the stress of an exam environment. Pupil FA had a [REDACTED]. Mr Nicholson said he had tried to scaffold Pupil FA in her work, and, in putting quotes within it. On the occasion in the allegation Pupil FA had written  $\frac{3}{4}$  of a page of work with quotations. He thought he may have been acting out an Italian Chef character but, in any event, and it was a blur to him, he kissed her hand. He said to the panel "It was thoughtless. I'm ashamed it happened, she must have been scared and

intimidated, and I regret it absolutely”. Mr Nicholson said that he had been unaware that Pupil FA looked uncomfortable when he kissed her hand.

The panel found that the kissing of Pupil FA’s hand, as detailed by Mr Nicholson, was a breach of the Safer working guidance in relation to physical contact with pupils, to which Mr Nicholson’s attention had been specifically drawn in September 2021:

*“Para 13 ... Not all children feel comfortable about certain types of physical contact; this should be recognised and, wherever possible, adults should seek the pupil’s permission before initiating contact and be sensitive to any signs that they may be uncomfortable or embarrassed ...”*

The panel also found that the physical contact entailed by the kiss was unnecessary, unjustified and unexpected, and, was likely to cause a young female pupil concern or, possibly, distress.

Taking all of these factors into account, the panel found that Mr Nicholson’s conduct in kissing Pupil FA’s hand was a breach of professional boundaries.

The panel found allegation 4 proven on Mr Nicholson’s admission, which it found to be consistent with the evidence before it, and the findings of the panel.

**5. Between September 2021 and September 2022, on one or more occasion(s), you hugged one or more pupil(s) (not including the hugging of Pupil B as alleged in allegation 2d above).**

Mr Nicholson stated that he did not have any specific recall of hugging pupils save for the occasion particularised in allegation 2d. The panel treated this as a denial of allegation 5.

The panel had before it a written account from Pupil FC provided to the School. Within it Pupil FC stated that Mr Nicholson had hugged her once or twice from the side when she was sitting or standing in the class, she thought when she had done something good. She recorded that “it was weird” and “they shouldn’t do that”. She referred to this happening “last year”. She later referred to “Sir keeps hugging pupils”.

Pupil FI provided an account to the School in which she recalled an occasion in March 2022 when she had been [REDACTED] and Mr Nicholson had not helped her. She was upset and started to cry and he took her out of the classroom. He apologised and then gave her a hug that she recorded as a “full hug front”. She felt uncomfortable about this.

The panel noted that the notes of the School's investigatory meeting, held on 7 December 2022, recorded that Mr Nicholson had stated that, whilst he did not recall the specific occasions detailed above, that he had hugged pupils. He said that when someone is upset you hug them. He thought that this had happened in the School corridor. He knew this was wrong but had not meant it in a sinister way.

In his evidence to the Panel Mr Nicholson stated that although he had no specific recall of an occasion when he was alleged to have hugged pupils (other than that detailed in allegation 2d) he did not think that the pupils would have lied. He accepted that he probably had hugged them. He said that he would probably have done this to comfort them if they were upset, he was too tactile sometimes.

The panel found that the hugging of pupils was a breach of the Safer working guidance in relation to physical contact with pupils, to which Mr Nicholson's attention had been specifically drawn in September 2021.

On this basis the panel found allegation 5 proven on the balance of probabilities in relation to Mr Nicholson hugging Pupil FC on one occasion and Pupil FI on one occasion on the basis of the evidence of the notes of the investigatory meeting, the accounts of Pupils FC and FI and the evidence of Mr Nicholson, which it found to be consistent with the pupils' accounts.

**6. In or around November 2022, you leaned in close towards Pupil FG and whispered that her "skirt is far too short", or words to that effect.**

Mr Nicholson stated to the panel that, whilst he accepted that he had spoken to Pupil FG about her school uniform, he did not accept that he whispered in her ear. He thought that he may have spoken to her discreetly in order not to cause her embarrassment in front of other male and female pupils who were present at the relevant time.

Pupil FG in her written account to the School, which was before the panel, recalled that she was standing with Pupil FF when Mr Nicholson came up to her and whispered that her skirt was "far too short" which made her feel slightly uncomfortable.

In her oral evidence to the panel, Pupil FG explained that she and Pupil FF had gone into the School to speak to a teacher, who was not in his room. Some male pupils had been present and had reported them to Mr Nicholson, whose classroom was nearby. Mr Nicholson had come over to herself and Pupil FF. He was in front of her and leaned very close towards her ear (she said about 6 cms away from it) and whispered "your skirt is far too short". She said that none of those who were with her had heard Mr Nicholson's words.

Pupil FG recalled there being letters sent to parents and pupils, and checks being carried out about uniform. The checks were directed to more extreme breaches of uniform requirements. To her recall, issues raised were about the wearing of ties, and jumpers, and, appropriate shoes, but not about the length of skirts. No issue had ever been raised with her about the length of her own skirt. She accepted that her skirt, which came just above her knee, as per uniform requirements, may have looked short on her as she [REDACTED].

In her evidence to the panel Witness D confirmed that wearing the School's uniform appropriately was part of representing the School and that it was made "quite clear" to pupils about things like the length of skirts. Anything deemed inappropriate would be made clear to pupils. Letters would go home about uniform every half term and form teachers were expected to check uniform regularly. Teachers in every lesson were expected to ensure that the correct uniform was being worn and that it was being worn correctly.

In his oral evidence to the panel Mr Nicholson stated that he had no recall of this particular incident. He would remind pupils of uniform requirements which included skirt length, including rolling up skirts. He would try to do this in a way discreet way and, on the occasion in question, this might have been what he was seeking to do, particularly as there were male pupils present. This, he said, was not whispering as alleged.

The panel noted that the pupils with FG had not heard what was said, and that the words were said very quietly and very close to the Pupil FG's ear.

The panel did not consider that it was inappropriate for Pupil FG to be reminded of the uniform policy by Mr Nicholson, if he had a concern about the length of her skirt. However, it was inappropriate and unnecessary for Mr Nicholson to lean in so closely to her and speak so closely into her ear.

The panel found the evidence from Pupil FG to be credible and consistent with her earlier account, and not inconsistent with the evidence of Mr Nicholson. The panel accepted Pupil FG's account that Mr Nicholson had whispered in her ear.

On this basis the panel found allegation 6 proven, on the balance of probabilities.

**7. You exchanged WhatsApp messages and/or emails with one or more former pupil(s) despite being told not to be in communication with former pupils by the Designated Safeguarding Lead on 9 September 2021.**

Mr Nicholson admitted this allegation.



Witness D told the panel that Mr Nicholson had brought to her attention an email he had received from Pupil B of [REDACTED]. A meeting was subsequently held between the [REDACTED], herself and Mr Nicholson on [REDACTED]. At the meeting Mr Nicholson was advised that he must not be in communication with former pupil, Pupil B, that all communication must cease, and, that he was not to share personal details with Pupil B. This was both to promote and safeguard the interests of Pupil B but also to protect Mr Nicholson. This instruction was subsequently notified to Mr Nicholson by email the following day at which time the Working safer guidance was highlighted to him. Mr Nicholson was reminded of the safer working guidance document and the importance of the teacher's position of trust and the importance of maintaining professional boundaries to safeguard himself. Witness D subsequently emailed Pupil B on [REDACTED] suggesting that she seek support elsewhere.

Mr Nicholson told the panel that he abided by the decision not to communicate with Pupil B after the meeting in [REDACTED] (although he did not agree with it and was angry about it ) but that later, when she came to the School to pick up her certificates and he had met with her, the position changed.

After this, he felt compelled to assist Pupil C, as he did for the other Pupils, A and B, who looked to him for support. [REDACTED].

Mr Nicholson also felt that he could provide the pupils with the benefit of someone who listened to them, something that had benefitted him both from, friends and others, including [REDACTED], a group, whom he had found supportive and who provided a listening ear for him.

The panel noted that the email exchange within the TRA bundle between Mr Nicholson and Pupil B and Pupil C had taken place before the [REDACTED] meeting. Email communication between Mr Nicholson and Pupil A had taken place after that meeting and after [REDACTED] when Pupil A became a former pupil of the School. WhatsApp messaging had taken place between Mr Nicholson and Pupil B and Pupil C after [REDACTED] at a time when Pupil B and Pupil C were former pupils.

On that basis the panel found allegation 7 proven on the basis of Mr Nicholson's admission in relation to his email communications with Pupil A after [REDACTED], and his WhatsApp messaging with Pupils B and C after [REDACTED] only. It found Mr Nicholson's admission consistent with the other evidence before it in relation to those dates and those pupils only.

**8. Your conduct at paragraphs 1 and/or 2 and/or 3 and/or 4 and/or 5 was sexually motivated.**

The panel did not consider this allegation in relation to allegation 2d, which it had found not proven.

The panel carefully considered the emails and other communications/contacts detailed in allegation 1a and 1b, 2a, 2b, and 2c, and, allegation 3a and 3b.

The panel noted that it had found that the exchanges of emails, messaging and exchange of Facebook page were inappropriate and were in breach of professional boundaries (for the reasons detailed for each specific allegation above). It also noted that these communications involved young and apparently vulnerable pupils or former pupils.

However, the panel also noted that the content of the communications did not appear sexual in nature or language. It further noted that, save for [REDACTED] when others were present, there was no indication that Mr Nicholson had ever met pupils or former pupils outside school. It also noted that one pupil had suggested meeting for a coffee, but it appeared that Mr Nicholson had not taken up this offer. The panel was also aware from the evidence of Pupils A and B that they had not raised any concerns that Mr Nicholson had acted or spoken to them in a sexualised way.

The panel also considered Mr Nicholson's conduct in proven allegations 4 and 5. It noted that these actions had taken place before others or in an area of the School open to others.

The panel also considered Mr Nicholson's previous good character and the reasons he gave for why he acted as he did (which are detailed above). It also considered the documentary evidence that Mr Nicholson had provided supporting his reasoning [REDACTED]. It also took into account the 2 supporting references that he had provided which supported his contention that his actions were motivated by a positive wish/compulsion to support pupils/former pupils. This included assertions that his actions came "from a good place" (from a friend and former work colleague, Individual A) and that he did not "express any feelings about them [the pupils] beyond a concern for their welfare and a wish that they did not come to harm" (from a friend [REDACTED], Individual B).

The panel considered that, for the reasons given by Mr Nicholson [REDACTED], that Mr Nicholson had become overinvested in seeking to provide support for (former) pupils. It considered that he was experiencing emotional benefit to himself by providing this support. It was this, rather than any sexual motivation, that had caused him to act in the inappropriate ways that he had.

Taking all of these factors into account the panel found, on the basis of the evidence before it, that it was not able to draw an inference that Mr Nicholson's actions were sexual or were sexually motivated.

On this basis the panel found allegation 8 not proven.

**9. At the time of your conduct in respect of Pupil A as outlined in allegations 1a and/or 1b you knew, or ought to have been aware, that she was vulnerable.**

Mr Nicholson admitted this allegation.

Witness A's evidence to the panel was that Pupil A was [REDACTED] in June 2021 and was considered a vulnerable pupil.

Mr Nicholson advised the panel that he became aware of Pupil A's [REDACTED] vulnerability only after she sought his help and support in his classroom but that, accordingly, he was aware of it at the time of the matters in allegations 1a and 1b.

On the basis of Mr Nicholson's admission, which was consistent with the evidence before it, the panel found allegation 9 proven.

**10. At the time of your conduct in respect of Pupil B as outlined in allegations 2a and/or 2b and/or 2c and/or 2d you knew, or ought to have been aware, that she was vulnerable.**

Mr Nicholson admitted this allegation.

Witness A's evidence to the panel was that Pupil B was [REDACTED] in October 2018 and was deemed a vulnerable young person by the School. [REDACTED].

Mr Nicholson advised the panel that he became aware of Pupil B's [REDACTED] vulnerability after she had discussed personal matters with him and her poems became more personal in nature. Accordingly, he was aware of it at the time of the matters in allegations 2a and 2b.

On the basis of Mr Nicholson's admission, which was consistent with the evidence before it, the panel found allegation 10 proven.

**11. At the time of your conduct in respect of Pupil C as outlined in allegations 3a and/or 3b you knew, or ought to have been aware, that she was vulnerable.**

Mr Nicholson admitted this allegation.

Witness A's evidence to the panel was that Pupil C was [REDACTED] in March 2020 and was deemed by the School to be a vulnerable young person.

Mr Nicholson advised the panel that he became aware of Pupil C's [REDACTED] vulnerability only after she had raised personal matters with him. Accordingly, he was aware of it at the time of the matters in allegations 3a and 3b.

On the basis of Mr Nicholson's admission, which was consistent with the evidence before it, the panel found allegation 11 proven.

**12. At the time of your conduct in respect of Pupil FA as outlined in allegation 4 you knew, or ought to have been aware, that she was vulnerable.**

Although in her written evidence to the panel Witness A had indicated that Pupil FA was [REDACTED] in 2022 and was considered a vulnerable young pupil, when questioned she was not able to say whether or not Mr Nicholson knew, or ought to have known, that Pupil FA was vulnerable.

Witness D, when questioned, was unable to recall if Pupil FA was considered or classified as a vulnerable pupil.

Mr Nicholson told the panel that he was not aware that Pupil FA was considered vulnerable at the time of the matters detailed in allegation 4.

The panel was provided with information by Witness D about the process across the School for the sharing of information about vulnerable pupils with particular teachers (such as members of the safeguarding team, the pastoral team and form teachers). However, the panel had no evidence before it relating to Pupil FA which would assist it in establishing whether information about this pupil would, or should, have come to the attention of Mr Nicholson.

Taking all of this evidence into account, the panel found allegation 12 not proven.

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

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

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

The panel noted that Mr Nicholson had admitted unacceptable professional misconduct in relation to the parts of the allegations found proven that he had admitted. He did not admit that the admitted facts amounted to conduct that may bring the profession into disrepute.

The panel first considered whether the conduct of Mr Nicholson, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Nicholson was in breach of the following standards:

A teacher is expected to demonstrate consistently high standards of personal and professional conduct.

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

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

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

The panel found that none of these offences was relevant.

The panel considered that Mr Nicholson's actions represented a serious breach of professional boundaries with young primarily female pupils. It happened with more than one pupil over a long period of time and continued despite Mr Nicholson being reminded of his professional responsibilities as a teacher and the School's policies. His conduct in whispering to a pupil and kissing the hand of another pupil, and, hugging two other pupils, without good reason, warning or obtaining consent, caused discomfort and concern to pupils and had the potential to impact in a seriously negative way upon them. The personal and inappropriate nature of his communications with young vulnerable primarily female (former) pupils put pupils at serious risk of harm, as well as putting himself at serious risk, if the communications, or the motivation behind them, had been misunderstood. These issues represented a breach of a fundamental tenant of the

teaching profession, the maintenance of proper professional boundaries with pupils. The panel was concerned that Mr Nicholson had intentionally deleted emails and messages after he was aware of the allegations at the School which meant that they were not available to the panel for scrutiny.

For these reasons, the panel was satisfied that the conduct of Mr Nicholson amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

In considering the issue of disrepute, the panel also considered whether Mr Nicholson's 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 Nicholson was guilty of unacceptable professional conduct, the Panel found that none of these offences 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 Nicholson's conduct could potentially damage the public's perception of a teacher.

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

The panel took into account the teacher's account of the emotional [REDACTED] difficulties he described that he was suffering at the relevant time as a result of the various personal, [REDACTED] and work challenges that he was experiencing, [REDACTED]. The panel found that this did not mitigate the seriousness of the misconduct.

## **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
- 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 Nicholson, which involved serious breaches of professional boundaries, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Nicholson 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 Nicholson 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 Nicholson in the profession. The panel decided that, whilst there is evidence that Mr Nicholson had ability as an educator, including him being the literacy lead for the School, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Nicholson in the profession. His behaviour fundamentally breached the standard of conduct expected of a teacher, and he failed to appreciate the importance of maintaining appropriate professional boundaries and the risk of harm that his failure could present to pupils and to himself.

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.

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 Nicholson.

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 of trust (particularly involving pupils);
- ... the purposeful destruction of evidence ....

Even though 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.

In the light of the panel's findings the panel found that there was evidence that Mr Nicholson's actions were deliberate.

There was no evidence to suggest that Mr Nicholson was acting under duress, although the panel noted the impact of Mr Nicholson's [REDACTED] on his conduct.

Mr Nicholson had a previous good history and had been nominated by pupils for, and received, a Jack Petchey Award for outstanding service, for encouraging and motivating young people in an exceptional way. It appeared that Mr Nicholson, and his lessons, were very popular with pupils as was demonstrated by a large number of cards from pupils received by Mr Nicholson. He provided copies of some of these to the panel.

Although the panel acknowledged the Jack Petchey Award given to Mr Nicholson, it did not consider that this award demonstrated exceptionally high standards in Mr Nicholson's personal and professional conduct. It did not consider that this demonstrated that Mr Nicholson had contributed significantly to the education sector.

The panel noted, and took into consideration, the two positive good character references provided by Mr Nicholson's friends (one of whom had previously worked with him, apparently outside teaching). However, it noted that no references were provided from any colleagues that could attest to his abilities as a teacher.

The panel also took into account the following, further, mitigating factors:

- Mr Nicholson's previous good character and that he had no previous matters with the TRA
- Mr Nicholson's engagement with the TRA process



- The early admissions made by Mr Nicholson in the TRA process.

The panel also noted the seriousness of the conduct found proven. It had involved a number of different incidents involving a number of different, vulnerable pupils and a range of different issues. He had put vulnerable pupils, and himself, at risk. He had failed to follow policies and procedures designed to protect pupils and teachers, and continued with his inappropriate conduct even after those policies had been brought to his attention.

The panel considered that Mr Nicholson had shown a satisfactory level of remorse for his actions. He had shown some insight in that he had recognised the wider impact of his conduct on the school and pupils. However, the panel felt that this insight was still developing and tended to be focussed internally rather than externally.

The panel considered it unlikely that Mr Nicholson would involve himself in further personal communications with pupils, given the serious impact of the consequences of his conduct upon him. However, the panel had no evidence of training or in-depth reflection undertaken by Mr Nicholson which demonstrated strengthened professional practices including an improved understanding of the proper operation of professional boundaries. In the absence of this, and in light of Mr Nicholson's developing level of insight, the panel considered that there was on-going, medium level risk of repetition. This was particularly the case given Mr Nicholson's on-going [REDACTED] together with his reiterated drive to help pupils.

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 Nicholson 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 interest of Mr Nicholson. The serious nature of Mr Nicholson's conduct and the risk to pupils and himself caused by his behaviour and, the on-going risk of repetition identified by the panel were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

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

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

None of the listed characteristics were engaged by the panel's findings.

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

None of the listed characteristics were engaged by the panel's findings.

The panel considered carefully the seriousness of the conduct and the mitigating factors identified above. It also took account of Mr Nicholson's satisfactory level of remorse, his developing insight, and the medium risk of repetition that the panel had identified. Taking these factors into account, the panel considered a review period was appropriate and two years was the appropriate length of that review period. Such a period would allow time for Mr Nicholson to further develop his insight, to reflect further on his conduct and to take steps to demonstrate that he has strengthened his knowledge and understanding of professional boundaries and the importance of adhering to professional policies. This, together with his receiving support for his on-going [REDACTED], would allow him the opportunity to address the level of risk identified by the panel.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period of two years.

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

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

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

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

In this case, the panel has also found some of the allegations not proven I have therefore put those matters entirely from my mind.

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

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

- A teacher is expected to demonstrate consistently high standards of personal and professional conduct.
- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, ... and at all times observing proper boundaries appropriate to a teacher's professional position
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ....
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are serious as they include a teacher engaging in inappropriate communications with vulnerable pupils.

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

“His conduct in whispering to a pupil and kissing the hand of another pupil, and, hugging two other pupils, without good reason, warning or obtaining consent, caused discomfort and concern to pupils and had the potential to impact in a seriously negative way upon them. The personal and inappropriate nature of his

communications with young vulnerable primarily female (former) pupils put pupils at serious risk of harm, as well as putting himself at serious risk, if the communications, or the motivation behind them, had been misunderstood.”

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

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

“The panel considered that Mr Nicholson had shown a satisfactory level of remorse for his actions. He had shown some insight in that he had recognised the wider impact of his conduct on the school and pupils. However, the panel felt that this insight was still developing and tended to be focussed internally rather than externally.

The panel considered it unlikely that Mr Nicholson would involve himself in further personal communications with pupils, given the serious impact of the consequences of his conduct upon him. However, the panel had no evidence of training or in-depth reflection undertaken by Mr Nicholson which demonstrated strengthened professional practices including an improved understanding of the proper operation of professional boundaries. In the absence of this, and in light of Mr Nicholson’s developing level of insight, the panel considered that there was on-going, medium level risk of repetition. This was particularly the case given Mr Nicholson’s on-going [REDACTED] together with his reiterated drive to help pupils.”

In my judgement, the lack of evidence that Mr Nicholson has developed full insight into his conduct means that I agree with the panel 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 makes this observation:

“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 Nicholson’s conduct could potentially damage the public’s perception of a teacher.

For these reasons, the panel found that Mr Nicholson’s actions constituted conduct that may bring the profession into disrepute.”

I am particularly mindful of the finding of a teacher engaging in inappropriate physical contact with pupils in this case and the negative impact that such a finding is likely to have on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mr Nicholson himself. The panel records the following:

“Mr Nicholson had a previous good history and had been nominated by pupils for, and received, a Jack Petchey Award for outstanding service, for encouraging and motivating young people in an exceptional way. It appeared that Mr Nicholson, and his lessons, were very popular with pupils as was demonstrated by a large number of cards from pupils received by Mr Nicholson. He provided copies of some of these to the panel.

Although the panel acknowledged the Jack Petchey Award given to Mr Nicholson, it did not consider that this award demonstrated exceptionally high standards in Mr Nicholson’s personal and professional conduct. It did not consider that this demonstrated that Mr Nicholson had contributed significantly to the education sector.

The panel noted, and took into consideration, the two positive good character references provided by Mr Nicholson’s friends (one of whom had previously worked with him, apparently outside teaching). However, it noted that no references were provided from any colleagues that could attest to his abilities as a teacher.”

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

In this case, I have placed considerable weight on both the serious nature of the misconduct found as well as the panel’s comments concerning the lack of evidence of full insight and risk of repetition.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Nicholson 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, 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 a two-year review period.

I have considered the panel's concluding comments:

"The panel considered carefully the seriousness of the conduct and the mitigating factors identified above. It also took account of Mr Nicholson's satisfactory level of remorse, his developing insight, and the medium risk of repetition that the panel had identified. Taking these factors into account, the panel considered a review period was appropriate and two years was the appropriate length of that review period. Such a period would allow time for Mr Nicholson to further develop his insight, to reflect further on his conduct and to take steps to demonstrate that he has strengthened his knowledge and understanding of professional boundaries and the importance of adhering to professional policies. This, together with his receiving support for his on-going [REDACTED], would allow him the opportunity to address the level of risk identified by the panel.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period of two years."

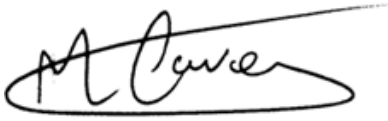
I have considered whether a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that such a review period is sufficient and proportionate to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct found, and the lack of evidence of full insight and consequent risk of repetition.

I consider therefore that a two-year review period is required to satisfy the maintenance of public confidence in the profession and to allow Mr Nicholson to further develop his insight so that he might be able to demonstrate that there is little or no risk of the repetition of his behaviour.

**This means that Mr Gavin Nicholson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 15 December 2027, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Nicholson remains prohibited from teaching indefinitely.

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

Mr Nicholson 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 'M Cavey', enclosed within a hand-drawn oval border.

**Decision maker: Marc Cavey**

**Date: 9 December 2025**

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