



National College for
Teaching & Leadership

Andrew David Watson: Professional conduct panel outcome

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

May 2015

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

Teacher:	Mr Andrew David Watson
Teacher ref no:	1049267
Teacher date of birth:	18 April 1985
NCTL case ref no:	12814
Date of determination:	27 May 2015
Former employer:	The County High School, Leftwich, Cheshire

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 27 May 2015 at Ramada Hotel & Suites, The Butts, Earlsdon, Coventry CV1 3GG to consider the case of Mr Andrew David Watson.

The panel members were Martin Pilkington (lay panellist in the Chair), Mark Tweedle (teacher panellist) and Alison Robb-Webb (teacher panellist).

The legal adviser to the panel was Patricia D’Souza of Eversheds LLP.

The presenting officer for the National College was Samantha Paxman of Browne Jacobson LLP.

Mr Andrew Watson was not represented.

Convened as a meeting, neither the presenting officer nor Mr Watson were present.

The meeting took place in private and was not recorded, save for the panel’s announcement in public of its findings of fact and on unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 19 May 2015.

It was alleged that Mr Andrew David Watson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at the County High School, Leftwich between June 2013 – December 2013 you:

1. Failed to adhere to professional boundaries, specifically:
 - a. Sent Student A a private Twitter message on at least one occasion;
 - b. Gave Student A your mobile number;
 - c. Met with Student A outside school;
 - d. Allowed Student A to visit and stay overnight at your home;
 - e. Kissed Student A on at least one occasion;
 - f. Hugged Student A.

2. Your conduct in relation to allegation 1a-1f was sexually motivated.

In a Statement of Agreed Facts signed by Mr Watson on 22 April 2015 and by the presenting officer on 24 April 2015, Mr Watson admitted the facts of the allegations and that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. He also made the same admissions, in a response to a Notice of Referral Form dated 11 March 2015.

C. Preliminary applications

There were no preliminary applications, but the panel considered a preliminary matter.

Should the panel proceed with a meeting?

The panel considered at the outset whether the allegation should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel noted that in the response to a Notice of Referral Form, Mr Watson had requested a meeting. The panel considered the interests of justice and given that the facts of the allegations have been admitted, that Mr Watson has requested a meeting, and that the panel has the benefit of Mr Watson's representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

D. Summary of evidence

Documents

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

Section 1:	Anonymised Pupil List	Page 1-2
Section 2:	Notice of Referral, Response and Notice of Meeting	Pages 3-10
Section 3:	Statement of Agreed Facts and Presenting Officer Representations	Pages 11-16
Section 4:	National Council for Teaching and Leadership Documents	Pages 17-71
Section 5:	Teacher Documents	Pages 72-75

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

Witnesses

As this was listed as a meeting the panel heard no oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the meeting.

Mr Watson was employed as a Maths teacher at Leftwich School (the "School") from 1 September 2012. Concerns were raised by other staff members, leading to a meeting on 17 September 2014 in which Mr Watson's contact with Student A was discussed. Mr

Watson was suspended from the School that day. Mr Watson subsequently resigned from the School on 1 October 2014 with immediate effect. A disciplinary hearing took place on 8 October 2014 which concluded that, had Mr Watson not resigned, the School would have summarily dismissed him. The facts alleged arise out of the matters that were the subject of the School's disciplinary proceedings.

Findings of Fact

Our findings of fact are as follows:

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

Whilst employed at the County High School, Leftwich between June 2013 – December 2013

In a Statement of Agreed Facts signed by Mr Watson on 22 April 2015, Mr Watson has confirmed that he commenced employment at the School in September 2012 as a Maths teacher. He has admitted that the contact alleged took place between June 2013 and November 2013, so within the timeframe set out in the allegations. A note of a police discussion with Student A also refers to her having stated that contact with Mr Watson took place after her exams had finished and after the school prom. She also refers to having met with Mr Watson in November 2013. The panel therefore finds the stem of the allegation proven.

1a. Failed to adhere to professional boundaries, specifically sent Student A a private Twitter message on at least one occasion;

In a Statement of Agreed Facts, Mr Watson has admitted having sent a private message to Student A on Twitter in the Summer holiday, around June or July 2013.

The Vice Principal of the School has also provided a statement that Mr Watson told him that in June 2013 he had contact with Student A, which started on Twitter.

A note of a police discussion with Student A refers to her having stated that Mr Watson contacted her initially via Twitter, in a message along the lines of "good luck with your results and college". She states that this contact occurred after her exams had finished and after the school prom had taken place.

The panel therefore finds it proven that Mr Watson had sent Student A a private Twitter message on at least one occasion. In the note of the police discussion with Student A, Student A indicates that she and Mr Watson exchanged several messages over a few days.

The panel went on to consider whether the conduct alleged constituted a failure to adhere to professional boundaries and noted that there was no evidence in the bundle of

the School's policy in relation to appropriate use of social media and a copy of the tweets between Mr Watson and Student A have not been provided. However, as Mr Watson has admitted this allegation in the Statement of Agreed Facts, on the balance of probabilities, the panel find this allegation proven.

1b. Failed to adhere to professional boundaries, specifically gave Student A your mobile number;

In the Statement of Agreed Facts, Mr Watson has admitted that Student A was suffering with signal problems on Twitter so he obtained Student A's phone number and they began texting each other.

The Vice Principal has also provided in his statement that Mr Watson told him that contact with Student A had continued via telephone.

A note of the police discussion with Student A refers to her having stated that she suggested they contact each other via the telephone and that he asked for her number which she provided.

The panel concludes that Mr Watson obtained Student A's phone number, and that they communicated by telephone which would have necessitated Mr Watson giving Student A his number. The panel therefore finds it proven that Mr Watson gave Student A his mobile number.

The panel went on to consider whether the conduct alleged constituted a failure to adhere to professional boundaries. As Mr Watson has admitted this allegation in the Statement of Agreed Facts, on the balance of probabilities, the panel find this allegation proven.

1c. Failed to adhere to professional boundaries, specifically met with Student A outside school;

In a Statement of Agreed Facts, Mr Watson has admitted having met up with Student A outside of School grounds on a few occasions over the Summer of 2013.

The Vice Principal's note of the contemporaneous conversation with Mr Watson indicates that Mr Watson said to him that he saw Student A face to face on 6 occasions, and that he had given her a lift back to her house.

The note of the police discussion with Student A refers to her having stated that they met up about four times in total and that she went to Mr Watson's house on 2 or 3 of those occasions.

The panel concluded that Mr Watson had met with Student A outside School.

The panel went on to consider whether the conduct alleged constituted a failure to adhere to professional boundaries. As Mr Watson has admitted this allegation in the

Statement of Agreed Facts, on the balance of probabilities, the panel find this allegation proven.

1d. Failed to adhere to professional boundaries, specifically allowed Student A to visit and stay overnight at your home;

In the Statement of Agreed Facts, Mr Watson has admitted that on one occasion, in late Summer of 2013, Student A stayed over at Mr Watson's house. Mr Watson allowed Student A to stay in his bed whilst he slept in a different room. In his written representations to the National College, Mr Watson indicates that he was able to sleep in a different room as one of his housemates was away and another housemate was present in a third bedroom whilst Student A stayed over.

The note of the police discussion with Student A refers to her having stated that she stayed over at Mr Watson's house on one occasion. She stayed in his room and he stayed in another room. The panel concluded that Mr Watson had allowed Student A to stay overnight in his home.

The panel went on to consider whether the conduct alleged constituted a failure to adhere to professional boundaries. Clearly, allowing a student to stay overnight in your home when there was no purpose for this and without the consent of the student's parents is beyond a teacher's professional boundaries. Mr Watson's conduct represented a failure to adhere to those professional boundaries. For this reason the panel found this allegation proven.

1e. Failed to adhere to professional boundaries, specifically kissed Student A on at least one occasion;

In the Statement of Agreed Facts, Mr Watson admitted kissing Student A on the lips on one occasion whilst she was at his house.

The Vice Principal's note of the contemporaneous conversation with Mr Watson indicates that Mr Watson said to him that there had been physical contact with Student A, which included kissing on one occasion at Mr Watson's home.

The note of the police discussion with Student A refers to her having stated that she and Mr Watson only kissed on one occasion and it never went any further. In his written representations to the National College, Mr Watson states that he and Student A parted by way of a kiss which was instigated by Student A.

In light of the above information, the panel therefore finds it proven that Mr Watson kissed Student A on the lips on at least one occasion. Such behaviour is outside a teacher's professional boundaries. Mr Watson's conduct represented a failure to adhere to those professional boundaries. For these reasons, the panel find this allegation proven.

1f. Failed to adhere to professional boundaries, specifically hugged Student A

In his written representations to the National College, Mr Watson has admitted on one occasion he and Student A hugged for a few seconds.

The Vice Principal's note of the contemporaneous conversation with Mr Watson indicates that Mr Watson said to him that there had been physical contact with Student A, which included hugging on one occasion.

The note of the police discussion with Student A refers to her having stated that on occasion they hugged and cuddled.

In light of the above information, the panel therefore finds it proven that Mr Watson hugged Student A on at least one occasion. Such behaviour was outside a teacher's professional boundaries. Mr Watson's conduct represented a failure to adhere to those professional boundaries. For these reasons, the panel find this allegation proven.

2. Your conduct in relation to allegation 1a-1f was sexually motivated

The panel followed the advice received from the legal advisor and first considered whether a reasonable person would think the actions and behaviours found proven could be sexual, ie an objective test. The panel then considered whether, in all the circumstances, Mr Watson's purpose of undertaking the actions and behaviours found proven was sexual, ie a subjective test.

In the Statement of Agreed Facts, Mr Watson has admitted that his conduct in relation to the above contact with Student A referred to in allegation 1a to 1f was sexually motivated.

The panel notes that both Student A (in the note of her conversation with the police) and the contemporaneous notes of Mr Watson's discussion with the Vice Principal indicate that there was no sexual contact between them.

In his written representations to the National College, Mr Watson states that his actions were not done with the intention to harm anybody or with an ulterior motive to gain power over anybody, sexually or otherwise.

The panel concluded that a reasonable person would consider meeting up with Student A, hugging or cuddling her, kissing her on the lips on at least one occasion, and allowing Student A to stay overnight in his home, was sexually motivated behaviour.

Furthermore, in light of all the evidence, which included Mr Watson's admission, it was clear to the panel that the purpose of his behaviour was sexual. For these reasons the panel find this allegation proven.

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

In considering the allegations that the panel has found proven, the panel has had regard to the definitions in the Teacher Misconduct – The Prohibition of Teachers advice, which we refer to as the ‘guidance’.

The panel is satisfied that the conduct of Mr Watson in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Watson 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;

The panel is satisfied that the conduct of Mr Watson fell significantly short of the standards expected of the profession. Arranging to meet Student A at his home, when her parents were not aware, hugging, kissing Student A on the lips and allowing Student A to stay overnight (albeit in a separate room to him) is far below the standards of conduct and professional behaviour expected of teachers.

The panel gave careful consideration as to whether Mr Watson’s conduct displayed behaviours associated with an offence of “sexual activity” referred to in page 8 of the guidance. In the view of the panel, Mr Watson’s behaviour was certainly sexually motivated, but was at the lower end of the scale and therefore could not be interpreted as behaviour associated with an offence of sexual activity.

Accordingly, the panel is satisfied that Mr Watson is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

The panel’s findings of misconduct are serious and the conduct displayed would likely have a negative impact on Mr Watson’s status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Watson’s actions constitute 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 is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the guidance and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Watson, there is a public interest consideration in respect of the protection of pupils given the findings of an inappropriate relationship with Student A.

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

The panel considered that a public interest consideration in declaring proper standards of conduct in the profession was also present.

Notwithstanding the 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 Watson. In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Watson.

The panel took further account of the guidance, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

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

- sexual misconduct, eg 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

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

In light of the panel's findings, there was no evidence that Mr Watson's actions were anything other than deliberate or that he was acting under duress.

The panel noted from his written representations that Mr Watson believed his actions were not contrary to child protection/safeguarding procedures and, at the time he was not sure that he was doing anything wrong "from a professional conduct perspective". However, he also said that he "stupidly" failed to fully acknowledge the warning sounds "in his head" about what he was doing. Given the evidence in the bundle, that Mr Watson had taken actions to conceal the relationship between him and Student A, the panel was of the view that Mr Watson understood that his actions were indeed wrong.

Mr Watson further states in his written representations that he had done nothing throughout his teaching career that could be considered "professionally dubious" and it was clear to the panel that he considered that his actions were out of character. The panel noted, however, that Mr Watson instigated the relationship with Student A which continued for at least 5 months or more. The panel did not consider that his behaviour amounted to an isolated incident or event. This was a sustained course of conduct.

In the view of the panel, Mr Watson expressed contrition and demonstrated insight in his written submission. Mr Watson recognised that his behaviour had been "a mistake" and that he had shown an "error of judgement". He gave assurances that he had learnt from his mistakes and that there would be no repeat should he have the opportunity to return to the teaching profession.

The panel had regard to job references relating to a previous job application which were not prepared for these proceedings. These references indicated that Mr Watson was a good teacher, who could be recommended without reservation. He was said to be hardworking, focussed, very pleasant to work with, a "team player", who had a firm and fair attitude towards pupils and got on well with pupils and staff. This is the only evidence presented which relates to Mr Watson's character. The panel were of the view that it would have been helpful to have presented more up-to-date character references.

Given the nature and seriousness of Mr Watson's behaviour towards Student A, the panel has determined that a recommendation for a prohibition order would be appropriate and proportionate in this case. The sexual motivation behind Mr Watson's behaviour and

the significant age difference between Mr Watson and Student A (over 10 years) were factors in forming this opinion.

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

The guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes serious sexual misconduct, eg 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. The panel has found Mr Watson's behaviour towards Student A sexually motivated and acknowledges that his actions had the potential to result in harm to Student A. However, the panel is of the view that whilst his behaviour amounted to "sexual misconduct", it was at the lower end of the spectrum, and accordingly the panel was not satisfied that Mr Watson's behaviour amounted to "serious sexual misconduct".

Therefore the panel went on to consider whether it would be appropriate to recommend a review period.

Mr Watson accepts now that having had contact with Student A in the first place was an error of judgement. The panel also noted that when Mr Watson was spoken to by the Vice Principal of the School, he volunteered information which led to the allegations referred to above. He now feels that he had let the School, the teaching profession and himself down.

In his written representations Mr Watson sought to assure the panel that he would never put himself in any kind of morally dubious position again. He realises now that he has other people that he can speak to and he has built bridges with his family "to this end". His conduct towards Student A was, in his words, a mistake, "stupid" and he did not comprehend the consequences that his actions would have. He considers that he is "no kind of risk at all to young people and/or vulnerable people".

The panel felt Mr Watson's submission were sincere, and further that Mr Watson was clearly a good teacher who had the capacity to contribute positively to the profession in the future. As such the panel decided that it would be proportionate and appropriate, in all the circumstances, to recommend a prohibition order with provision for a review period of 2 years. The panel considers that this would be an appropriate length of time to allow Mr Watson to demonstrate and evidence a clear commitment to adhere to and exhibit the personal and professional conduct elements of the Teachers' Standards.

Decision and reasons on behalf of the Secretary of State

I have given very careful considerations to the findings and recommendations of the panel in this case. The panel have found all the allegations proven and consider those facts to amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The facts of this case revolve around Mr Watson's failure to observe proper professional boundaries and the panel have found his actions to be sexually motivated.

The panel have found a number of public interest considerations to be relevant in this case, namely the protection of pupils, upholding proper standards of conduct and the maintenance of public confidence in the profession. The panel have seen no evidence to suggest that Mr Watson acted under duress and there is nothing to suggest that his actions were anything other than deliberate.

In the circumstances I agree that prohibition is an appropriate and proportionate sanction.

The panel have gone on to consider whether it would be appropriate to recommend a review period. The panel have taken full account of Mr Watson's representations in which he accepts that his actions were an error of judgement and assures the panel that he would never put himself in that position again. Whilst the panel have considered that Mr Watson's actions amount to sexual misconduct they have judged them to be at the lower end of the scale and have recommended a two year review period.

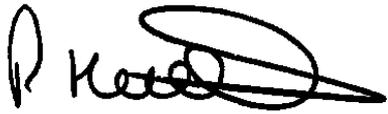
However, the panel have found Mr Watson's behaviour towards Student A to be sexually motivated and acknowledge that his actions had the potential to result in harm to Student A. It was not a one off incident and the behaviour continued over a period of some 5 months. In the circumstances I have decided that Mr Watson should be allowed to apply to have the order set aside, but not until a minimum period of 5 years has passed.

This means that Mr Andrew David Watson 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 5 June 2020, 5 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 Andrew David Watson remains prohibited from teaching indefinitely.

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

Mr Andrew David Watson has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

NAME OF DECISION MAKER: Paul Heathcote

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

Date: 29 May 2015

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