



National College for
Teaching & Leadership

Mr Timothy Howard: Professional conduct panel outcome

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

October 2016

Contents

A. Introduction	3
B. Allegations	4 - 5
C. Preliminary applications	5 - 6
D. Summary of evidence	6
Documents	6
Witnesses	6
E. Decision and reasons	6 - 16
Panel's recommendation to the Secretary of State	16 - 18
Decision and reasons on behalf of the Secretary of State	18 - 19

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

Teacher: Mr Timothy Howard

Teacher ref number: 8159578

Teacher date of birth: 10 March 1956

NCTL case reference: 14727

Date of determination: 11 October 2016

Former employer: Suffolk One, Suffolk

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 10 and 11 October 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Timothy Howard.

The panel members were Mrs Fiona Tankard (teacher panellist – in the chair), Mr William Brown OBE (lay panellist) and Mrs Caroline Tilley (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

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

Mr Timothy Howard was was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation set out in the Notice of Proceedings dated 9 June 2016.

It was alleged that Mr Timothy Howard was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed at Suffolk One between September 2011 and August 2014 he failed to adhere to professional boundaries, specifically:

1. He engaged in a relationship with one or more female pupils which was inappropriate in that he:
 - (a) held lengthy one to one and/or small group meetings with female pupils;
 - (b) used inappropriate and over-familiar language;
 - (c) whispered to pupils;
 - (d) sent emails to pupils, including Pupil A and/or Pupil C, which were addressed "Dear lovelies" and "lovely ladies" or words to that effect;
 - (e) signed off emails to pupils including Pupil A, "Tim x";
 - (f) sent an email to Pupil A and Pupil C on 21 May 2014 in which he stated, "It will be a treat to spend some time with you both";
 - (g) sat on the floor in the office area with pupils on at least one occasion;
 - (h) drank wine in a classroom with pupils on at least one occasion;
 - (i) looked after and carried the handbags of pupils including Pupil B's.
2. He made inappropriate physical contact with one or more female pupils in that he:
 - (a) sat right next to pupils during one to one meetings with them;
 - (b) held onto a pupil by their elbow on at least one occasion;
 - (c) manoeuvred a pupil by the elbow on at least one occasion;
 - (d) patted/touched a pupil on the back on at least one occasion;
 - (e) put his hand on a pupil's thigh on at least one occasion;
 - (f) nudged a pupil on at least one occasion.
3. He engaged in a relationship with Pupil A which was inappropriate.

4. He sent Pupil A a text message from his mobile phone on one or more occasions.
5. He sent Pupil A an email to her personal email address on one or more occasions.
6. The email/emails which he sent were:
 - (a) inappropriate;
 - (b) flirtatious.
7. He met with Pupil A outside of school on one or more occasions.
8. His conduct in relation to one or more of 1 to 7 above was sexually motivated.

C. Preliminary applications

Application to proceed in the absence of the teacher

The presenting officer applied to proceed with the hearing in the absence of Mr Howard. After hearing submissions from the presenting officer and receiving legal advice, the Chair announced the decision of the panel as follows:

The panel has decided to proceed with the hearing in the absence of Mr Howard for the following reasons:

- The panel is satisfied that the Notice of Proceedings has been sent to Mr Howard in accordance with Rule 4.11
- Mr Howard is aware that the hearing is taking place and has confirmed that he will not be attending. Mr Howard has provided a written statement that he has asked the panel to consider in his absence. The panel is satisfied that Mr Howard has voluntarily waived his right to attend.
- The panel has also heard that Mr Howard did not wish his representative Mr Paul McLaughlin, to attend the hearing on his behalf.
- No application for an adjournment has been made and there is no indication that Mr Howard would attend at a later date were the hearing to be adjourned.
- The panel has also had regard to the public interest in these proceedings' taking place reasonably promptly.

Application to discontinue certain particulars

The presenting officer indicated that two of the three of witnesses to be called to give evidence were not in attendance. In their absence, the presenting officer confirmed that reliance was placed upon the written statements of those witnesses. The presenting

officer said that, in the absence of direct evidence, no evidence would be offered in relation to particulars (b),(c) and (d) of allegation 1 and particular (f) of allegation 2.

D. Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 2 to 4

Section 2: Notice of Proceedings and Response – pages 6 to 22

Section 3: NCTL witness statements – pages 24 to 38

Section 4: NCTL documents – pages 40 to 306

Section 5: Teacher documents – pages 308 to 364

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

Witnesses

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

Witness A

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Timothy Howard was employed as a teacher at Suffolk One Sixth Form College ("the college"). He was appointed as Assistant Head of Faculty and Teacher of English in September 2011.

Pupil A was a student at the college. During the summer term in which Pupil A was a Year 12 student, Mr Howard took on the role of her extended project tutor. In addition, Mr Howard taught her A level English. Pupil A had a part time job at a local café.

In January 2014, the human resources department of the college was alerted to concerns held by two members of teaching staff. These concerns related to Mr Howard's alleged close relationship with certain students in his English Literature class. Following this, he

received a letter dated 22 January 2014 from the Vice Principal containing management advice that Mr Howard should, "take time to reflect on [his] style and behaviour and how these may be interpreted by others." It further stated, "Also please be very clear on the boundaries between yourself and your students".

In May 2014, two students made an allegation concerning Mr Howard's inappropriate behaviour and communication with another student of the College, Pupil A. Following this complaint, the college contacted Suffolk County Council's safeguarding team and a strategy meeting was held. It was confirmed at this meeting that an internal investigation was required. Mr Howard was suspended pending the investigation. During the course of the investigation Mr Howard resigned and no further action was taken by the college.

Findings of fact

The panel's findings of fact are as follows:

Whilst employed at Suffolk One between September 2011 and August 2014 you failed to adhere to professional boundaries, specifically:

1. You engaged in a relationship with one or more female pupils which was inappropriate in that you:

(a) held lengthy one to one and/or small group meetings with female pupils;

Mr Howard admits in his statement for these proceedings that he did hold lengthy one to one and small group meetings, but that these were with both male and female pupils and they were not inappropriate. The panel had sight of several witness statements which showed that Mr Howard's normal practice was to meet one to one or with small groups, before and after school and at lunchtimes. These did appear to be predominantly with female pupils, although the panel accepted Mr Howard's account that most of the English students were female. The panel did see evidence that Mr Howard also had one to one meetings with at least one male student.

The panel finds 1(a) proved.

(b) used inappropriate and over- familiar language ;

At the outset of the hearing, the presenting officer confirmed that no evidence would be offered in support of this particular.

The panel finds 1(b) not proved.

(c) whispered to pupils;

At the outset of the hearing, the presenting officer confirmed that no evidence would be offered in support of this particular.

The panel finds 1(c) not proved.

- (d) sent emails to pupils, including Pupil A and/or Pupil C, which were addressed "Dear lovelies" and "lovely ladies" or words to that effect;**

Mr Howard admits that he sent an email on 20 May 2014 to his entire teaching group, boys included, with the salutation 'Dear Lovelies'. The panel has seen the email concerned, which was sent to both male and female students and included both Pupil A and Pupil C.

Mr Howard also admitted that, in the final half term of his time at the college, he did send emails addressed to a group of students he met weekly for an A* booster class and he used the term, 'lovely ladies'. Mr Howard said that his intention was to reflect his informal style, not to give a misleading impression. The panel has seen one example of these emails sent on 21 May 2014, which was to an exclusively female group of students, which included Pupil A.

The panel finds 1(d) proved.

- (e) signed off emails to pupils including Pupil A, "Tim x";**

Mr Howard admits that he signed off emails to pupils including Pupil A, 'Tim x'. He said that this was intended as an expression of informality, not endearment. In retrospect, Mr Howard says that he realises that this was not at all appropriate. The panel has seen numerous examples of emails to Pupil A and others, which were signed off in this way.

The panel finds 1(e) proved.

- (f) sent an email to Pupil A and Pupil C on 21 May 2014 in which you stated, "It will be a treat to spend some time with you both";**

Mr Howard admits that on 21 May 2014 he sent an email containing these words to Pupil A and Pupil C. He said that the context was that he was offering to provide extra study to two students and that his intention was to reassure them that they were not a burden to him. Mr Howard now realises that this phrase was misplaced and inappropriate.

The panel finds 1(f) proved.

- (g) sat on the floor in the office area with pupils on at least one occasion;**

At the outset of the hearing, the presenting officer confirmed that no evidence would be offered in support of the particular.

The panel finds 1(g) not proved.

- (h) drank wine in a classroom with pupils on at least one occasion;**

The panel heard oral evidence from Witness A who said that, on one occasion, she observed Mr Howard in a classroom with a group of students. She saw a bottle on the floor and white plastic cups in their hands. In oral evidence, Witness A said that she could not say if it was wine, but that she believed that it was because it had been placed under the table and subsequently in a student's bag when a senior teacher arrived. Mr Howard admitted that he had mistakenly purchased a bottle of alcoholic wine (which he thought was non-alcoholic) and that he gave this to Pupil A to take home to share with her parents. The panel has not been presented with any clear evidence that wine was drunk in the classroom.

The panel finds 1(h) not proved.

(i) looked after and carried the handbags of pupils including Pupil B's.

The panel heard evidence from Witness A and Mr Howard agreed in his written statement that Pupil B sometimes kept her bag under his desk. Mr Howard's account was that this was because Pupil B was on work experience at a nearby school and she did not wish to carry all of her heavy textbooks.

Mr Howard did not remember carrying the handbags of pupils, but said that if he ever did so, it would have been a matter of yards from the resource area into the office in the event that a student was late for an exam. The panel accepts the evidence of Witness A that Mr Howard did occasionally carry pupils' bags for them.

The panel finds 1(i) proved

Having found particulars 1 (a), (d), (e), (f) and (i) proved, the panel considered whether Mr Howard's actions amounted to engaging in a relationship with one or more female pupils which was inappropriate.

The panel did not consider that looking after and/or carrying handbags in the manner described would amount to engaging in an inappropriate relationship.

Furthermore, the panel did not consider that Mr Howard's actions in 1(a) alone would amount to engaging in an inappropriate relationship. The panel accepted that there are bound to be occasions when teachers need to meet with 'A' level students to discuss their work. However, there was considerable evidence that Mr Howard had spent a disproportionate amount of additional hours each week with particular pupils, including Pupil A. The panel heard that some of these meetings took place outside of normal school hours, for instance at 6.30am. The panel determined that, taken together, the actions in 1 (a),(d),(e) and (f) by Mr Howard did amount to engaging in a relationship with one or more female pupils and that this relationship was inappropriate.

Accordingly, the panel finds allegation 1 proved.

2. You made inappropriate physical contact with one or more female pupils in that you:

(a) sat right next to pupils during one to one meetings with them;

Mr Howard said in his statement that, as the occasion demanded, he would sit adjacent to and not opposite male and female students. He said that this would happen when he was going through a student's essay or exploring a text.

The panel heard oral evidence from Witness A, who said that, on at least two occasions, she saw Mr Howard in a room with a female student who was sitting very close beside him while they worked on her coursework. Witness A perception was that Mr Howard seemed to invade the student's personal space.

The panel noted that there is no evidence that any pupil objected to Mr Howard's sitting close to them. In particular, Pupil A has provided a written statement in which she stated that she never became uncomfortable or felt that Mr Howard was in any way inappropriate with her.

However, the panel also noted the statement from Individual A, member of staff at the college, who confirmed that Mr Howard would sit very close to female students and would listen intently, leaning in and making them smile at him. She said that she noticed a lot of close eye contact between Mr Howard and the students and he would sit right next to them, touching them with his arm.

After considering all of the evidence presented, the panel was satisfied, on the balance of probabilities, that Mr Howard did sit right next to pupils during one to one meetings with them.

The panel finds 2(a) proved.

(b) held onto a pupil by their elbow on at least one occasion;

Witness A said that Mr Howard would physically escort students into a room touching their elbow. In her oral evidence, Witness A said that if Mr Howard had touched her in the same way she would have told him to get off.

Mr Howard said that he was unable to recall any specific instances of this.

The panel is satisfied on the balance of probabilities that Mr Howard held onto a pupil by their elbow on at least one occasion.

The panel finds 2(b) proved.

(c) manoeuvred a pupil by the elbow on at least one occasion;

Witness A also said that Mr Howard would manoeuvre students around and into the room by holding onto their elbow.

Mr Howard said that he was unable to recall any specific instances of this.

The panel is satisfied on the balance of probabilities that Mr Howard manoeuvred a pupil by the elbow on at least one occasion.

The panel finds 2(c) proved

(d) patted/touched a pupil on the back on at least one occasion;

Witness A also said in her oral evidence that she saw Mr Howard patting students on the back on many occasions.

Again, Mr Howard said that he was unable to recall any specific instances of this.

The panel is satisfied on the balance of probabilities that Mr Howard patted/ touched a pupil on the back on at least one occasion.

The panel finds 2(d) proved.

(e) put your hand on a pupil's thigh on at least one occasion;

Mr Howard said he would never, under any circumstances, have put his hand on a student's thigh.

However, the panel heard oral evidence from Witness A to the effect that she observed Mr Howard putting his hand onto a pupil's thigh in her presence. The panel also noted from the record of interview of another member of staff, Individual B, that she observed Mr Howard talking to two female students in the workroom who were sitting beside him. Individual B said that Mr Howard appeared to say something funny as they all laughed and when they were laughing, Mr Howard placed his hand on one of the girl's thighs.

The panel finds 2(e) proved.

(f) nudged a pupil on at least one occasion.

At the outset of the hearing, the presenting officer confirmed that no evidence would be offered in support of this particular.

The panel finds 2(f) not proved.

The panel then considered whether Mr Howard's proven actions in 2(a), (b), (c), (d) and (e) amounted to inappropriate physical contact with one or more female pupils.

Mr Howard accepts that there were some instances of physical contact, but maintains this was not inappropriate. The panel accepts that no student ever complained about physical

contact from Mr Howard and heard evidence from Witness A that he amended his approach to students once he had received management advice on 22 January 2014 relating to physical closeness to female students.

The panel did not consider that each particular 2(a), (b), (c) and (d), if taken in isolation, would amount to inappropriate physical contact. However, the panel determined that Mr Howard's action in 2(e) in placing his hand on a student's thigh did amount to inappropriate physical contact. Furthermore, this action, taken together with his actions in 2(a),(b),(c) and (d) did amount to inappropriate physical contact.

The panel finds allegation 2 proved.

3. You engaged in a relationship with Pupil A which was inappropriate.

Mr Howard has admitted that he engaged in an inappropriate relationship with Pupil A. Specifically Mr Howard admitted to being '*far too emotionally involved with Pupil A*'. Mr Howard also referred to the '*uncharacteristic and obsessive attention*' he gave to pupil A.

The panel has viewed the emails sent to Pupil A by Mr Howard. The panel is satisfied that a number of these emails confirm the existence of an inappropriate relationship with Pupil A, including the following extracts:

- 'There is so much more I could say. So much more is locked away in my heart which I will say, but on another day. Probably so much you know already. I just wanted you to know that in the middle of a weekend without you (and suddenly I look forward to Monday mornings!) I am thinking of you'.
- 'One of my targets this year was to find the most beautiful and talented student in Suffolk One and nurture her through her darkest days'.
- 'I think you are the funniest girl I've ever known... Strangely, I have always been attracted to women who can make me laugh. Perhaps above everything that is the quality which keeps a relationship fresh. Please let me know how you feel. Please remember that it comes from my heart'.

The panel is satisfied that Mr Howard failed to maintain appropriate professional boundaries in his relationship with Pupil A and the relationship was inappropriate on that basis. Although there is no evidence that the relationship was a physical one, Mr Howard, by his own admission, became very emotionally involved with Pupil A.

The panel finds allegation 3 proved.

4. You sent Pupil A a text message from your mobile phone on one or more occasions.

Mr Howard has admitted in the statement of agreed facts that he sent text messages to Pupil A. He stated that Pupil A was under immense pressure and often in states of real anxiety to the extent of suffering terrifying panic attacks. Mr Howard said that 'the *idea was that [he – Mr Howard] would be there to reassure and support her*'.

The panel finds allegation 4 proved.

5. You sent Pupil A an email to her personal email address on one or more occasions.

Mr Howard has admitted that, as with the sending of text messages, he sent email messages to Pupil A so that he '*would be there to reassure and support [Pupil A]*'.

The panel notes that a number of these emails were sent to Pupil A's personal account. Pupil A stated that she contacted Mr Howard via her personal email address, not fully understanding at the time that this was not appropriate. Mr Howard states that, since many of Pupil A's emails came from her on her personal email address, that is the one he used to reply. Mr Howard now acknowledges that this practice was unacceptable.

The panel finds allegation 5 proved.

6. The email/emails which you sent were:

- (a) inappropriate;**
- (b) flirtatious.**

Mr Howard has admitted in the statement of agreed facts that communications were '*informal, flirtatious, cheeky*', but has also asserted that these were '*never sexual*'.

The panel is satisfied that some of the emails sent by Mr Howard were inappropriate either by reason of the time at which the emails were sent or the content. As to timing, a number of the emails to Pupil A were sent late at night or at a weekend. In the panel's view, the extracts from emails to Pupil A as referred to in relation to allegation 3 above, were inappropriate.

The panel is also satisfied that the following are examples of extracts to Pupil A with flirtatious content'.

- 'I love the hair. You really are very glamorous and very kooky'
- 'That perfume is so intoxicating....but believe me, I am no gentleman.'

The panel finds allegation 6 (a) and (b) proved.

7. You met with Pupil A outside of school on one or more occasions.

Mr Howard has admitted in the statement of agreed facts that he visited Pupil A at her place of work on more than one occasion, but disputes that this constitutes a 'meeting' for the purposes of the allegation. Mr Howard also admits that, on one occasion, he met Pupil A in a café next to her mother's shop in order to provide her with material for her summer work.

The panel noted references made by Mr Howard to visiting the café in email correspondence to Pupil A, including the following:

- On 27 March 2013 he wrote, *'looking forward to Saturday and a right, posh breakfast served by the most glamorous and sweetest-smelling waitress in town'*
- On 12 April 2014 he wrote, *'It will be lovely to pop into the café to see you, although your bosses must be beginning to wonder what is happening! They must think I'm a stalker.'*

The panel is satisfied, on the balance of probabilities, that Mr Howard did meet with Pupil A outside of the college on one or more occasions by prior arrangement.

The panel finds allegation 7 proved.

8. Your conduct in relation to one or more of 1 to 7 above was sexually motivated.

The panel considered whether the actions found proved in 1 to 7 were sexually motivated. In doing so, the panel considered whether Mr Howard's proven actions were for the purpose of his achieving some form of sexual gratification.

The panel noted that Mr Howard denies this allegation.

Although some of the actions referred to in allegations 1 to 7 related to pupils other than Pupil A, the panel is not satisfied that the proven actions in relation to other pupils were for the purpose of sexual gratification. However, in relation to Pupil A, the panel considered that there came a point in time at which, by his own admission, Mr Howard became emotionally involved. The panel noted several examples of email communications from Mr Howard to Pupil A. Mr Howard refers to his feelings for Pupil A in a way that the Panel concluded indicates that his actions, at least in part, amounted to his achieving some form of sexual gratification.

In this respect, the panel refers to the following emails, in addition to those mentioned in relation to allegation 3:

- 'You make me smile. And I'm still glowing from your lovely card.'

- 'Over the summer we had grown so much closer and I had convinced myself that I had become Charlie Big Balls in the world of Kooks.'
- 'this crazy lovesick teacher feels that he must visit just to make sure she is going to be ok.'

The panel is satisfied that the conduct of Mr Howard in allegations 1 to 7, insofar as it relates to Pupil A, was sexually motivated.

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

Having found allegations 1 to 8 to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Howard in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Howard is in breach of the following standards:

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

The panel is satisfied that the conduct of Mr Howard amounted to serious misconduct which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Howard's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences is relevant.

In relation to bringing the profession into disrepute, 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on Mr Howard's status as a teacher, potentially damaging the public perception.

The panel, therefore, finds that Mr Howard's actions constitute both unacceptable professional conduct and 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 Advice 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 Howard, which included engaging in an inappropriate relationship and conduct that was sexually motivated in relation to one pupil, there is a strong public interest consideration in respect of the protection of pupils.

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

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

Notwithstanding 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 Howard.

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

Howard. 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 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;
- abuse of position of trust (particularly involving vulnerable pupils);
- sexual misconduct. Although there is no evidence that the relationship with Pupil A was a physical one, the panel has found that the conduct of Mr Howard in relation to Pupil A was sexually motivated.

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

The panel has taken into account the statements in support of Mr Howard by Pupil A and her parents. Pupil A stated that she never became uncomfortable or felt that Mr Howard was inappropriate towards her. Although the panel has concluded that Mr Howard's conduct towards Pupil A was inappropriate, the panel accepts that there is no evidence that Mr Howard's conduct had an adverse effect on Pupil A's education or well-being. Indeed, both Pupil A and her parents have made very positive comments about his contribution to Pupil A's education.

The panel has also taken into account Mr Howard's personal circumstances at the time.

[Redacted]

Mr Howard said that he was working long hours and had 'foreclosed' on his social life, relationships and friendships and lost a stone and a half in weight. Mr Howard said that he had no doubt that, 'these pressures played a major part in the uncharacteristic and obsessive attention he gave to' Pupil A.

The panel has taken into account Mr Howard's long record as a teacher and indications that he is an excellent and committed teacher. Mr Howard has a previous good history. However, the panel also has to take into account that Mr Howard was given management advice that he should take time to reflect on style and behaviour and how these may be interpreted by others in January 2014. Although there is some indication that he changed some aspects of his behaviour, he did continue to pursue an inappropriate relationship with Pupil A.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Howard.

Accordingly, the panel makes 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 to recommend that a review period of the order should be considered. 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 behaviours that, if proven, would militate against a recommendation of a review period. These behaviours include serious sexual misconduct. Although the panel has found that Mr Howard's conduct in relation to Pupil A was sexually motivated, the panel concluded that Mr Howard's actions did not adversely affect Pupil A's education or well-being. This is confirmed by the statements from Pupil A and her parents in support of Mr Howard. Pupil A states, 'I have the utmost respect for Mr Howard and to this day I have nothing but gratitude towards him, and cannot thank him enough for everything he did for me in the two years I was a pupil in his care.' Pupil A also stated, 'without his support, I would not have been able to carry on... instead I was able to leave Suffolk One with four A levels a A* grade.'

The panel felt that, in these exceptional circumstances, Mr Howard should have the opportunity to apply to have the prohibition order reviewed after a period of two years. This is the panel's recommendation.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations made by the panel both in respect of sanction and review.

I have noted in particular the findings of the panel concerning facts, and noted those cases where the panel did not find the facts proven. Where the panel did not find the facts proven I have put those matters from my mind.

I have noted where the panel has been clear that they have found unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel are clear that the conduct of Mr Howard in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Howard is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

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

I have also noted that the panel took further account of the advice published by the Secretary of State, 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;
- abuse of position of trust (particularly involving vulnerable pupils);
- sexual misconduct. Although there is no evidence that the relationship with Pupil A was a physical one, the panel has found that the conduct of Mr Howard in relation to Pupil A was sexually motivated.

I have taken into account the need to balance the interests of the teacher with the public interest. I have also taken into account the need to be proportionate. I have read with care the account of the mitigation that the panel has considered in this case.

I support the recommendation of the panel for the reasons set out. In my view a prohibition order is proportionate and in the public interest.

I have gone on to consider the matter of a review period. For the reasons given I support the recommendation of the panel.

This means that Mr Timothy Howard 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 24 October 2018, 2 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 Timothy Howard remains prohibited from teaching indefinitely.

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

Mr Timothy Howard 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.

Handwritten signature of Alan Meyrick in grey ink.

Decision maker: Alan Meyrick

Date: 14 October 2016

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