



National College for  
Teaching & Leadership

# **Mr Nathan Rowe: Professional conduct panel outcome**

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

**March 2017**

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

**Teacher:** Mr Nathan Rowe

**Teacher ref number:** 1744038

**Teacher date of birth:** 30 September 1987

**NCTL case reference:** 15481

**Date of determination:** 17 March 2017

**Former employer:** Lea Manor High School, Bedfordshire

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 17 March 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Nathan Rowe.

The panel members were Mr Mike Carter (teacher panellist – in the chair), Mr John Pemberton (former teacher panellist) and Mr John Matharu (lay panellist).

The legal adviser to the panel was Miss Laura Ellis of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Mr Oliver Bristow, instructed by Nabarro LLP. However, as a meeting was convened instead of a hearing, pursuant to paragraphs 4.83 to 4.91 of the Teacher misconduct – Disciplinary procedures for the teaching profession (the “Procedures”), the presenting officer was not present.

For the same reason, Mr Rowe was also not present and was not represented.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Referral dated 17 November 2016 and Notice of Meeting dated 22 February 2017.

It was alleged that Mr Nathan Rowe was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Lea Manor High School he failed to maintain appropriate boundaries and/or appropriate standards in that:

1. In respect of pupil K (under 16 years), on a date or dates unknown, he:
  - a. Sent to and/or received from her inappropriate text and/or WhatsApp messages including but not limited to:
    - i. Messages ending with an “x”;
    - ii. Emoticons including “blowing heart/kiss”;
    - iii. “You look older in that pic!”;
    - iv. “Babe”;
    - v. “Pretty little thing”;
    - vi. “Beautiful till u start a mouth lol”;
    - vii. Could have just gave u cuddle”.
  - b. Failed to take action or any appropriate action when Pupil K sent him messages which could be deemed as her intending to harm herself including:
    - i. “I swear I don’t even wanna be alive anymore”;
    - ii. “What’s the point im literally giving up on life I can’t cope anymore”;
    - iii. I just can’t cope” (including a crying emoticon)
  - c. While in the office placed his arms around Pupil K and/or kissed her neck.
  - d. While in the school corridor placed his hands on and/or around Pupil K’s hips.
2. His conduct as set out above was sexually motivated.

Mr Rowe admits the facts of each of the allegations above, in the Statement of Agreed Facts which he has signed (the “SOAF”).

Mr Rowe also admits that the allegations constitute unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

There were no preliminary applications.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Referral, Response and Notice of Meeting – pages 5 to 10b

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 12 to 19

Section 4: NCTL documents – pages 21 to 120

Section 5: Teacher documents – pages 122 to 127

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

### **Witnesses**

As this was a meeting, no witnesses were called to provide oral evidence.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

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

Mr Rowe commenced employment at Lea Manor High School on or around 14 November 2015, as a senior tutor. Mr Rowe was aware that Pupil K (a pupil at the school who was under 16 years old) was a vulnerable pupil. It is alleged that over a number of years he sent her inappropriate text and/or 'WhatsApp' messages, and failed to report incidences when Pupil K sent him messages that indicated she may harm herself. It is also alleged that whilst on the school premises he placed his arms around Pupil K and/or kissed her

neck, and on a separate occasion placed his hands on or around her hips. These allegations were reported by one of Pupil K's friends, an internal investigation ensued at the school and Mr Rowe ceased employment at the school in February 2016.

## **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:

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Lea Manor High School you failed to maintain appropriate boundaries and/or appropriate standards in that:**

**1. In respect of pupil K (under 16 years), on a date or dates unknown, you:**

**a. Sent to and/or received from her inappropriate text and/or WhatsApp messages including but not limited to:**

- i. Messages ending with an “x”;**
- ii. Emoticons including “blowing heart/kiss”;**
- iii. “You look older in that pic!”;**
- iv. “Babe”;**
- v. “Pretty little thing”;**
- vi. “Beautiful till u start a mouth lol”;**
- vii. “Could have just gave u cuddle”.**

Mr Rowe admits that he sent these messages to Pupil K, in addition to other messages of a similar nature. The panel has also seen copies of these messages in the hearing bundle. Pupil K reported that she had received messages from Mr Rowe for approximately 2 years.

The allegation is therefore found proved.

**b. Failed to take action or any appropriate action when Pupil K sent you messages which could be deemed as her intending to harm herself including:**

- i. “I swear I don’t even wanna be alive anymore”;**

**ii. “What’s the point im literally giving up on life I can’t cope anymore”;**

**iii. “I just can’t cope” (including a crying emoticon)**

Mr Rowe admits that he received these message and failed to report them in line with the school’s safeguarding procedures. The panel has also seen copies of the messages in the hearing bundle.

The allegation is therefore found proved.

**c. While in the office placed your arms around Pupil K and/or kissed her neck.**

Mr Rowe admits that he did this. This is also referenced in the police report of Pupil K’s police interview on 1 October 2015 and the report of Pupil K’s interview with a safeguarding officer on 12 October 2015.

The allegation is therefore found proved.

**d. While in the school corridor placed your hands on and/or around Pupil K’s hips.**

Mr Rowe admits that he did this. This is also referenced in the police report of Pupil K’s police interview on 1 October 2015 and the report of Pupil K’s interview with a safeguarding officer on 12 October 2015.

The allegation is therefore found proved.

**2. Your conduct as set out above was sexually motivated.**

Mr Rowe admits this allegation.

The panel is also of the view that on the balance of probabilities, a reasonable person would consider the actions found proven to have been sexually motivated. Furthermore, the panel considers that it is more likely than not that the purpose of Mr Rowe’s actions was sexual. It is relevant that the messages were sent to Pupil K over a relatively long period of time (2 years). The panel has also seen one message in which Mr Rowe wrote to pupil K “I love you tho” and messages in which Mr Rowe appears to have tried to encourage Pupil K to resume contact with him after she suggested that the contact should stop. The panel therefore concludes that the actions above were sexually motivated.

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

Having found all of the allegations 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 Rowe in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Rowe 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 Rowe fell significantly short of the standards expected of the profession. Pupil K was a vulnerable pupil, and Mr Rowe was aware of this as he was in a position of trust as her ‘key worker’ at the school for four years. She was also under the age of 16 and Mr Rowe’s messages to her were sent over a sustained period of 2 years. Some of them were sent outside of school and late at night. Furthermore, Mr Rowe was aware of safeguarding protocols as the panel have seen evidence that he completed safeguarding training and he was part of a group that dealt with child protection.

The panel has also considered whether Mr Rowe’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that offences relating to sexual activity are relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

Accordingly, the panel is satisfied that Mr Rowe 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore finds that Mr Rowe's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of the allegations proved, we further find that Mr Rowe's conduct amounts to 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/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 a 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 protection of other members of the public, 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 Rowe, which involved a sustained period of inappropriate and sexually motivated contact with Pupil K, who was known to be a vulnerable pupil under the age of 16, there is a strong public interest consideration in the protection of pupils, given the serious finding of an inappropriate relationship with a vulnerable young teenager. Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Rowe was 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 Rowe was outside that which could reasonably be tolerated.

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 Rowe.

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 Rowe. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

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, Mr Rowe's actions appeared to have been deliberate and took place over a sustained period of time. Furthermore, Mr Rowe was aware of the school's safeguarding policies and his behaviour clearly breached these.

The panel has not seen any evidence to suggest that Mr Rowe did not have a previously good history as a teacher. However, the panel has seen evidence that suggests that he was previously subject to warnings at the school regarding inappropriate contact with pupils.

No references/character statements have been provided by Mr Rowe.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen, recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient, would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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 Rowe. His sustained inappropriate contact with a vulnerable and young pupil, which the panel considered to be sexually motivated, was a significant factor in forming that opinion. 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 for them to decide to recommend that a review period of the order should be considered. The panel were 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 review period being recommended. One of these is serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Mr Rowe abused his position as a senior member of staff in a position of trust over Pupil K, and that his behaviour risked emotional harm to Pupil K and exploited her existing vulnerability. The panel considers the misconduct to have been extremely serious.

The panel has taken account of a letter from Mr Rowe to the NCTL in which he apologises for his conduct and the panel notes that he has admitted the allegations to the NCTL (although he did not admit some of the allegations initially when interviewed by the school). However aside from this, the panel considers that he has demonstrated limited insight into the seriousness of the allegations.

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

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

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

In considering this case I have taken careful notice of the advice that is published by the Secretary of State concerning the prohibition of teachers.

I have also noted that in this case the teacher admitted all of the allegations.

In this case the panel has found the facts proved and found that Mr Rowe 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 also satisfied that the conduct of Mr Rowe fell significantly short of the standards expected of the profession. Pupil K was a vulnerable pupil, and Mr Rowe was aware of this as he was in a position of trust as her 'key worker' at the school for four years. She was also under the age of 16 and Mr Rowe's messages to her were sent over a sustained period of 2 years. Some of them were sent outside of school and late at night. Furthermore, Mr Rowe was aware of safeguarding protocols as the panel explain that they have seen evidence that he completed safeguarding training and he was part of a group that dealt with child protection.

The panel has also considered whether Mr Rowe's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that offences relating to sexual activity are relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel has found both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has recommended prohibition. In considering the panel's recommendation I have weighed the various elements of the public interest and the interests of the teacher. I have considered whether in this case the declaration and publication of a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute could be a proportionate outcome. In the light of the serious and sustained nature of the behaviour in this case I do not judge that to be the case. For the reasons given I consider that a prohibition order is proportionate and in the public interest.

In this case Mr Rowe has evidenced the following behaviours:

- 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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

I have gone on to consider the matter of a review period and have taken into account both the recommendation of the panel to me and the advice published by the Secretary of State. I have considered the previous character of the teacher, his apology and also the panel's comments on his insight. The panel set out clearly that "his behaviour risked emotional harm to Pupil K and exploited her existing vulnerability. The panel considers the misconduct to have been extremely serious."

For all these reasons I consider that the prohibition should be imposed with no review period. I consider this to be in the public interest and to be proportionate.

**This means that Mr Nathan Rowe is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Nathan Rowe shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Nathan Rowe 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.



**Decision maker: Alan Meyrick**

**Date: 23 March 2017**

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