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Full Hearing Outcome: Alexander Lamont

# Full Hearing Outcome: Alexander Lamont

Teacher	Alexander Lamont ( <i>not present and not represented</i> )
Hearing Type	Full Hearing (Conduct)
Dates	21, 23 and 24 March 2023
Registration number	175452
Registration Category	Secondary – English
Panel	Diane Molyneux (Convenor), Helen James, Michelle Farrell
Legal Assessor	Amanda Pringle
Servicing Officer	Aga Adamczyk

Teacher	Alexander Lamont ( <i>not present and not represented</i> )
Presenting Officer	Lauren Doherty, Anderson Strathern ( <i>not present</i> )

Any reference in this decision to:

- ‘GTC Scotland’ means the General Teaching Council for Scotland;
- the ‘Panel’ means the Fitness to Teach Panel considering the case;
- the ‘Rules’ (and any related expression) means the GTCS Fitness to Teach Rules 2017 or refers to a provision (or provisions) within them; and
- the ‘Register’ means the GTCS register of teachers.

## Preliminary Issues

### Proceeding in the Absence

The Teacher did not attend the virtual hearing. Accordingly, at the outset of the hearing, the Presenting Officer referred to Rule 1.7.8 on proceeding in the absence. She submitted that the Panel required to be satisfied that the Notice of Full Hearing (the ‘Notice’) had been properly served and that it was fair to proceed in the Teacher’s absence. She referred to Rule 1.6.1 on service of the Notice and submitted that it had been properly served. She highlighted that the Notice had been emailed to the Teacher on 7 February 2023, with a delivery receipt received, which was produced. The Presenting Officer referred the Panel to the notification of Panel Consideration emailed to the Teacher on 24 January 2022 and to the Teacher’s returned Case Form dated 15 June 2022, and she submitted that there had been no further engagement by the Teacher with the GTC Scotland process. She referred the Panel to the GTC Scotland Practice Statement on Postponements, Adjournments and Proceedings in the Absence. She submitted that there were a number of exacerbating factors which the Panel should take into account when determining the application; including the seriousness of the

allegations, the need to avoid delay and the public interest in determining the allegations. She submitted that the Teacher had indicated his intention not to attend and had failed to substantively engage with the process. She submitted that the Teacher's absence was voluntary and that the Panel was entitled to conclude that he had waived his right to attend and that the hearing should proceed. The Presenting Officer submitted that the Panel could be satisfied that the Teacher had voluntarily absented himself from the Full Hearing and, that with Notice correctly served, the Panel should avoid any further delay in the proceedings and that it was just to proceed in the Teacher's absence.

The Panel considered the Practice Statement and had regard to the circumstances surrounding the application and the advice, when required, of the Legal Assessor and Servicing Officer. The Panel noted the Presenting [Officer's](#) application and submissions. In his written responses to GTC Scotland dated 13 January 2022, the Teacher stated that he would not be attending the hearing and that he was content for proceedings to go ahead in his absence. The Panel was satisfied that the Notice had been properly served on the Teacher and it concluded, based on the Teacher's response and the lack of any subsequent response to the Notice of Hearing dated 7 February 2023, that the Teacher had chosen voluntarily not to attend.

The Teacher indicated that he did not wish to engage in the hearing. The Panel had regard to the nature of the allegations, the public interest, fairness to the Teacher and his human rights, and the interests of the public and the Teacher in cases being dealt with as quickly as possible. The Panel considered the wider public interest in favour of determining the allegations. The Panel also had regard to the general objective set out in Part 1 of the Rules: the need to deal with cases fairly and justly and in ways which are proportionate, informal and flexible, encourage participation, and avoid delay. The Panel concluded that it was both necessary and proportionate to proceed in the absence of the Teacher.

The Panel noted that it must at no point draw any adverse inference from the fact that the Teacher had chosen not to attend.

## **Amendment to the Allegations**

The Presenting Officer made an application to amend the preamble to the allegations to avoid jigsaw identification of Pupil A. The Presenting Officer adopted her written submissions, and she submitted that the amendment, namely the removal of the name of the school, was necessary to ensure the protection of Pupil A. She referred the Panel to Rule 2.8.4 and Article 8 of the European Convention on Human Rights ('ECHR'), and she submitted that the amendment was proportionate in the circumstances of the case.

The Panel carefully considered the Rules. The Panel noted that the Teacher had been afforded an opportunity to comment on the proposed amendment and that no response had been received from him. The Panel determined that the amendment would not alter the allegations materially nor increase the severity. The Panel determined that it was necessary and just to grant the application in the circumstances of the case.

## **Anonymisation**

The Presenting Officer submitted an application seeking that the following details be anonymised:

- The name of the pupil
- The names of the 3 witnesses

She submitted that the application, in terms of Rule 1.7.3, rested upon a similar basis to that of the application for amendment of the preamble to the allegations, namely, to avoid the potential for jigsaw identification of Pupil A. She submitted that Article 8 of ECHR applied to Pupil A's private life, and that it would be proportionate to grant the application when balancing the interests of the parties, and the default position of hearings being held in public. The Presenting Officer referred the Panel to the expressed anxiety and concerns of Pupil A with regard to the GTC Scotland proceedings, and

that a Panel Hearing held on 17 August 2022 had designated her to be a Vulnerable Witness.

In considering the application, the Panel, of its own volition, considered the requirement for anonymisation of further potential identifying factors, namely Pupil A's place of residence and her mother's name. The Panel carefully considered the Rules and the GTC Scotland Practice Statement on Privacy and Anonymity. The Practice Statement states that 'Panels must be satisfied that there is a compelling reason for granting such an application [for anonymity] in order to protect an individual's private life'. The Panel carefully considered the need to balance the interests of the Teacher and the public interest. The Panel noted that Pupil A had been designated as a Vulnerable Witness, the allegations were of a serious and sexual nature, and that the hearing was being held in public. The Panel determined that it was necessary and appropriate to grant the application in the circumstances of the case.

## Hearsay Evidence

During the course of the hearing, the Presenting Officer made an application for the GTC Scotland witness statements of Pupil A signed and dated 1 July 2023 and her local authority unsigned and undated written statement to be admitted as hearsay evidence and that she wished to read both statements into evidence. The Presenting Officer explained that Pupil A had indicated she was unable to attend the Full Hearing due [redacted] and concern for the potential impact upon [redacted]. The Presenting Officer referred the Panel to the cases of *El Karout v NMC* [2019] EWHC 28 (Admin) and that of *Thornycroft v NMC* [2014] EWHC 1565 (Admin) in support of her application, and she invited the Panel to grant the application.

In considering the application, the Panel was reminded that hearsay evidence is admissible in fitness to teach proceedings, subject to relevance and fairness. Additionally, the Panel considered the general objective of the Rules which emphasises the need to seek informality and flexibility in the proceedings in ways which are proportionate to the complexity of the issues

and to avoid delay. The Panel considered the GTC Scotland Witness and Hearsay Evidence Practice Statement. The Panel decided that Pupil A had good reason for her non-attendance, and it decided that it was appropriate for both statements to be admitted as evidence, and that the Presenting Officer could read both witness statements of Pupil A into evidence.

## **Allegation(s)**

The following allegations were considered at the hearing:

*Between in and around August 2018 and on or around 26 February 2019, whilst employed by South Lanarkshire Council as a secondary teacher the Teacher did:*

1. *In respect of Pupil A, who was a sixth-year pupil, then aged 17 years of age, volunteering in his class as a teaching assistant;*
  - a. *in or around August 2018:*
    - i. *Introduce Pupil A to a class of 2nd year children as 'my glamorous and beautiful teaching assistant Pupil A', or words to that effect;*
    - ii. *State to Pupil A 'your hair looks lovely up like that, you look really grown up', or words to that effect;*
    - iii. *Touch Pupil A unnecessarily on the shoulders, elbow and back of the neck; and*
    - iv. *State towards, or in the presence of, Pupil A that his previous girlfriend had broken his heart, or words to that effect.*
  - b. *in or around September 2018:*
    - i. *State to Pupil A during a classroom discussion in front of 2nd year children, 'I can't believe you are 17 and have never been clubbing', or words to that effect;*
    - ii. *Share his experience of sexual assault with Pupil A and a class of 2nd year children;*
    - iii. *Ask Pupil A to share any experiences of sexual assault or harassment she may have suffered, or words to that effect, with a class of 2nd year children;*

- iv. *Ask Pupil A whether she was still with her previous boyfriend, or words to that effect, in front of a class of 2nd year children;*
  - v. *Ask Pupil A whether she had a new boyfriend, or words to that effect, in front of a class of 2nd year children;*
  - vi. *State to Pupil A, 'when you leave school we should go for drinks', or words to that effect;*
  - vii. *Provide Pupil A with his personal e-mail address;*
  - viii. *State to Pupil A that she was very mature for her age, and that she should have been born in the 90s, or words to that effect; and*
  - ix. *Offer Pupil A headphones which had been accidentally left behind by another pupil.*
- c. *in or around October 2018:*
- i. *Make jokes of a sexually suggestive nature towards Pupil A;*
  - ii. *Touch Pupil A, unnecessarily, in that he did squeeze her sides;*
  - iii. *Ask a class of 2nd year children which Disney Princess they thought Pupil A reminded them of, or words to that effect;*
  - iv. *Ask Pupil A to apply makeup on him in advance of a school Halloween party;*
  - v. *Place his hand on Pupil A's leg whilst she was applying makeup on him;*
  - vi. *State to Pupil A that her costume looked great on her, or words to that effect;*
  - vii. *Ask Pupil A how she got into her costume, or words to that effect;*
  - viii. *When asked by a pupil in his 2nd year class, and in the presence of Pupil A, about the possibility of him and Pupil A entering a relationship, state that Pupil A was too small for him, or words to that effect; and*
  - ix. *When a 2nd year pupil suggested that it would be inappropriate for him and Pupil A to enter into a relationship, state 'there isn't that much of an age gap between us and Pupil A is very mature for her age but you are right Pupil A would get into a lot of trouble if you keep talking about this', or words to that effect.*

- d. on 28 October 2018, email Pupil A using his personal e-mail address, including but not limited to the following messages:
- i. At 19:53, in respect of dressing up for his 2nd year class for Halloween, 'I hadn't actually intended to but if it means you'd get all dressed up again I might need to consider it...Would you wear all of your Wonder Woman costume?'
  - ii. At 20:05, 'I'm not normally one to let a 17/(18?) year old call the shots but you have yourself a deal. It's a great costume after all..'
  - iii. At 20:28, 'I'm implying that I can't remember if you said you're 17 or 18...but you're still an innocent wee thing regardless. Also it would be inappropriate for me to disagree and say you looked great in the costume so I'm not going to say that.'
- e. on 31 October 2018, email Pupil A using his personal e-mail address, including but not limited to the following messages:
- i. At 17:42, in respect of his 2nd year class, 'yeah, considering that they're trying to set us up...I blame you for that.'
  - ii. At 18:42, 'Oh I definitely do now. Was it that you were flirting with me? I can see how they'd notice that...'
  - iii. At 19:06, 'Quite the opposite? PLEASE. But thank god because then I'd have to get you into A LOT of trouble... and you wouldn't like that. Oooh god. Classic S2's. You're right I didn't want to know. If that gets back to your mum she'd crucify me. And also report me to the GTCS.'
  - iv. At 19:23, 'I was just teasing you haha, now I'm worried you think I've been inappropriate.. Also HEY- I'm a catch.'
  - v. At 19:32, 'A...did you just admit to being a tease? Tut tut. Well true that would be inappropriate. It would also be inappropriate for me to say that you don't need to agree because I know you think it.'
  - vi. At 19:45, 'And how am I frustrating? I'm intrigued...It would be inappropriate for me to say I'd quite enjoy it so I won't.'
  - vii. At 19:54, 'Jesus I am SO deleting these e-mails after tonight...maybe I like frustrating you. And maybe I'll tell you if you promise to delete the

*e-mails after too so we don't get in trouble... 18 or not this sort of conversation is definitely against the rules...'*

- viii. *At 19:58, 'Pupil A I think you ARE trouble.. And I'd like it because you look great in that Wonder Woman costume for a start... Your turn. How am I frustrating.'*
- f. *in or around November 2018:*
- i. *Ask Pupil A to add him on the social media platform Snapchat;*
  - ii. *Tell Pupil A not to tell anyone that he had added her on Snapchat as both he and Pupil A would get in trouble, or words to that effect;*
  - iii. *Message Pupil A via Snapchat, including but not limited to:*
    - (a) *Asking Pupil A if she was a virgin, or words to that effect;*
    - (b) *Stating to Pupil A, 'I think you're an innocent little virgin', or words to that effect;*
    - (c) *Asking Pupil A if she had any kinks, or words to that effect;*
    - (d) *Discussing his personal sexual preferences with Pupil A, including that he liked to be called 'daddy', or words to that effect;*
    - (e) *Stating that he wished to kiss Pupil A, or words to that effect;*
    - (f) *Stating, 'I want to put my tongue between your thighs', or words to that effect;*
    - (g) *Stating that he wanted to make Pupil A scream daddy, or words to that effect;*
    - (h) *Stating, 'I'd love to kiss every inch of you', or words to that effect;*
    - (i) *Asking who the oldest person Pupil A had ever dated was, or words to that effect;*
    - (j) *Asking Pupil A what her dirtiest fantasy was, or words to that effect;*
    - (k) *Stating that he wished he was with Pupil A, or words to that effect;*
    - (l) *Stating that he wished he could see more of Pupil A, or words to that effect;*
    - (m) *Sending Pupil A an indecent picture of himself;*
    - (n) *Asking Pupil A to send indecent pictures of herself to him, or words to that effect;*
    - (o) *Stating 'send a picture of that pretty little mouth of yours', or words*

to that effect;

(p) Sending a video of himself masturbating to Pupil A; and

(q) Stating that it was ok to send sexual images and that everybody does it, or words to that effect, when Pupil A expressed discomfort about her sending images of an intimate or sexual nature to him.

- a. *State to Pupil A that she was his little secret, or words to that effect;*
- b. *State to Pupil A that he had never wanted anyone as much as he wanted Pupil A, or words to that effect;*
- c. *State to Pupil A that nothing could happen while she was at school, but after school he would see how it goes, and that it could be a thing, or words to that effect;*
- d. *State to Pupil A that the relationship could only be physical as he worked with her mother, or words to that effect;*
- e. *State that he wanted Pupil A to come to his flat so that he could 'explore' her, or words to that effect; and*
- f. *State, when Pupil A expressed concerns about going to his flat to have sex with him, that he would be content having her there, fully clothed, kissing her, or words to that effect.*
- g. *on 1 November 2018 email A from his personal e-mail account, including but not limited to;*
  - i. *At 07:58 '...it would be inappropriate to say you'd be missed so I won't say it. See you tomorrow. Mr Lamont.'*;
  - ii. *At 15:32, 'a well timed e-mail for when I'm out of school. Anyone would think you'd planned it.'*;
  - iii. *At 15:35, 'Mmhm. Planned. Because you're trouble.'*;
  - iv. *At 15:44, 'And bite her..'*;
  - v. *At 15:47, 'Mmhm... don't lie... we both know your hands started wandering when you were alone in bed last night thinking about me..'*;
  - vi. *At 16:28, 'Hmm.. and what's my bad little girl wearing..?'*;
  - vii. *At 16:36, 'you know fine well that wasn't what I mean't'*.
  - viii. *At 16:49, 'Hm...fff\*\*k. I better change into something a bit looser.. I think.. for security you should add my snapchat. BUT- Rules. 1) Tell*

*nobody. 2) Do not snap me around friends or at school. 3) No screenshots.'*

- ix. *At 16:57, 'Snapchat deletes conversations. We don't have to keep deleting emails. Why? Got something else in mind..?'*
- h. *in or around December 2018, invite Pupil A to his flat for a movie night;*
- i. *in or around February 2019:*
  - i. *Connect with Pupil A via the dating messaging service Bumble; and*
  - ii. *Message Pupil A on Bumble, including but not limited to;*
    - (a) *Stating, 'what does anyone do on Bumble? Flirt and meet people';*
    - (b) *Asking 'What are you doing on it?'*
    - (c) *Discussing his relationship with his ex-partner, including that she had cheated on him;*
    - (d) *Stating 'not long now till you're a big girl';*
    - (e) *Stating 'you're the one flirting with me';*
    - (f) *Stating 'you are very attractive what's your fascination with me?';*
    - (g) *Stating, in response to a message from Pupil A that she did not have any fascination with him, 'that is a lie';*
    - (h) *Asking, 'aww not even something else for daddy..?';*
    - (i) *Stating, 'Fair- I was open about not wanting a relationship now so makes sense'; and (j) Asking Pupil A if she had met anyone on Bumble.*
  - iii. *In response to concerns from Pupil A that he was using her and that he had hurt her state;*
    - (a) *'not f\*\*\*\*\*g this again', or words to that effect;*
    - (b) *State to Pupil A that she was making a drama out of nothing, or words to that effect; and*
    - (c) *State that he did not need this drama in his life, or words to that effect.*
  - iv. *Mock Pupil A for not believing in casual sex.*
- j. *on or around 5 February 2019 email Pupil A using his personal e-mail account stating '...I didn't intend for any of this to happen and I'm sorry you feel hurt. Never my intention. I'm never going to do anything like*

*that again- I didn't see you as a pupil, I saw you as my TA but the fact remains it was inappropriate and wrong of me...';*

- k. *state to Pupil A 'you can't speak up, you can't tell anyone about this', or words to that effect;*
  - l. *state to Pupil A that he fantasised about having sex with her in his classroom, or words to that effect;*
  - m. *State to Pupil A, 'your bum looks nice in those shorts', or words to that effect;*
  - n. *State to Pupil A that half of his colleagues were guidance teachers and that no-one would believe her if she spoke about the relationship with them, or words to that effect;*
  - o. *State to Pupil A that his colleague, Colleague 1, would not believe her if she told him what happened between them, or words to that effect;*
  - p. *State to Pupil A, 'how would your mum feel if she found out about her perfect little princess?', or words to that effect; and*
  - q. *State to Pupil A, 'think of all the rumours going around the school', or words to that effect.*
2. *In or around November 2018, provide his personal e-mail address to pupils in his 5th year class.*
3. *The Teacher's actions at allegations 1(f)(iii), (iv), (v), (vi) (vii) (viii) and (ix), allegations 1(g)(iv), (v), (vi) and (viii), allegation 1(h), allegation 1(i)(ii)h, allegation 1(l) and allegation 1(m) were sexually motivated*

## Teacher's Admissions

The Teacher made no admissions with regard to the allegations. The Teacher did not confirm his position with regard to his current fitness to teach.

## Hearing Papers

In accordance with Rule 1.7.17, the Panel admitted all of the documents and statements listed below as evidence for the purposes of the hearing:

### Presenting Officer's hearing papers

- Presenting Officer Case Form, dated 15 June 2022
- Final Investigation Report, dated 14 January 2022, with appendices including:
- Local Authority Investigation documentation including:
  - Letter to GTCS dated 27 February 2019
  - Fact Finding Documentation dated 17 June 2019 with appendices including:
    - Appendix 1 – Fact Finding Interview – Witness 2
    - Appendix 2 – Fact Finding Interview – Witness 4
    - Appendix 3 – Fact Finding Interview – Witness 3
    - Appendix 4 – Meeting with Pupil A
    - Appendix 5 – Letter to Teacher, dated 28 February 2019
    - Appendix 6 – Letter to Teacher, dated 18 March 2019
    - Appendix 7 – Letter to Teacher, dated 28 March 2019
    - Appendix 8 – Letter to Teacher, dated 4 April 2019
    - Appendix 9 – Email from Teacher, dated 15 April 2019
    - Appendix 10 – Letter to Teacher, dated 15 April 2019
    - Appendix 11 – Detailed statement from Pupil A
    - Appendix 12 – Letter from Pupil A to the Teacher
    - Appendix 13 – Correspondence between Pupil A and the Teacher
    - Appendix 14 – Disciplinary Procedures Incident Report (uncompleted)
    - Disciplinary Hearing Minutes, dated 27 June 2019
- GTCS Statements:
  - Witness 2 – Headteacher, the School
  - Witness 3 – Acting Deputy Headteacher, the School
  - Witness 1 – Faculty Head, the School
  - Pupil A
- Teacher’s response to Interim Report, dated 13 January 2022

## **Teacher’s hearing papers**

- Teacher Case Form, dated 15 June 2022

## Servicing Officer's hearing papers

- Email communication with the Parties, 1 June 2022 – 28 November 2022
- Notice of Full Hearing, dated 7 February 2023 with cover email and delivery receipt
- Procedural Meeting decision annex, dated 17 August 2022

## Summary of Evidence

### Witness 1

Witness 1 confirmed that he had provided a statement to GTC Scotland which was signed and dated 10 August 2021 and he confirmed that what was written there was true. At the outset of his evidence, he read aloud his witness statement. He outlined his educational qualifications and professional experience. He confirmed that whilst he was no longer employed at the school, at the time of events he was the Faculty Head of English, Drama and Literature. He confirmed that the Teacher started at the school as a probationer in August 2017 and was appointed as a fully qualified teacher in 2018. Witness 1 stated that whilst the Teacher was confident and popular with pupils, he had occasion to address his teaching methods and an apparent arrogance. He spoke to discovering following the Teacher's suspension that the Teacher had provided his personal email address to pupils. He advised that it was forbidden for teachers to contact pupils on any social media. He spoke to his knowledge of Pupil A and her involvement with the school's [redacted] which had resulted in her random allocation to the Teacher's class. He spoke to having had no inkling of anything inappropriate having occurred between the Teacher and Pupil A and that he was shocked to learn of the events.

In response to Panel questioning, Witness 1 stated that he became aware, after the Teacher had been suspended, of the Teacher having given his personal email to pupils in Senior 4, 5 and 6. He stated that 'a lot of pupils' had raised concerns with regard to their ongoing coursework following the

Teacher's removal from the school, but said they were aware they could contact the Teacher by email and get their work that way.

## Witness 2

Witness 2 confirmed that he had provided a statement to GTC Scotland which was signed and dated 15 March 2021 and that what was written there was true. At the outset of his evidence, he read aloud his witness statement. He outlined his educational qualifications and professional experience. He confirmed that he was Head Teacher at the school at the time of events, and that he remained so. He spoke to knowing the Teacher as a probationer who had started at the school in 2017 and that he had been unaware of any issues with the Teacher until 22 February 2019 when Witness 3 reported matters to him. Witness 2 confirmed that he had spoken directly with Pupil A who advised of her concerns at the inappropriate nature of her relationship with the Teacher. He spoke to having sent the Teacher home on 22 February 2019 as advised by the local authority, and that the Teacher had seemed 'shell-shocked'. He spoke to Pupil A being vulnerable. He stated that, whilst initially reluctant to reveal further details with regard to her relationship with the Teacher, Pupil A had, over time, 'drip-fed' him further information. He stated that Pupil A had felt used by the Teacher as a 'sex object' and was concerned that he would act similarly with other pupils. He spoke to Pupil A detailing the Teacher's behaviour towards her in the 2<sup>nd</sup> year class in which she was volunteering and that pupils had commented on them appearing to act 'as an old married couple'. He spoke to Pupil A detailing events at the time of the school's Halloween dance, in particular, making comments of a sexual nature regarding her Wonder Woman costume. He stated that he had seen several of the online communications, including emails and text messages, between Pupil A and the Teacher as he had gathered these from Pupil A as part of the local authority's investigation. He spoke to the communications containing inappropriate messages from the Teacher who had also provided his personal information to Pupil A. He spoke to Pupil A telling him that the messages included intimate images of the Teacher and Pupil A. He spoke to the Teacher having signed a document at the start of term with regard to

child protection which meant that the Teacher would have been fully informed and aware of the inappropriateness of the messaging with Pupil A, and of the ban on sharing personal information with any pupil. He spoke to the requirement for all staff, including the Teacher, at the start of the term to sign a child protection document and that the Teacher would have known he was breaking boundaries. He stated that whilst he had thought the Teacher to be 'a cracking teacher' prior to the events, he was in no doubt that Pupil A had told him the truth, and that the Teacher's behaviour 'sat very uncomfortably' with him. He spoke to other pupils in the school having the Teacher's personal information. He spoke to specific details of the messages sent by the Teacher to Pupil A which included advising her not to tell her mother about their relationship, explicitly detailing what he wanted to do to her and that over time the Teacher's tone had shifted to become of a more menacing nature, seeking to prevent and warn Pupil A from speaking to anyone with regard to their relationship. He spoke to the Teacher having invited Pupil A to his home and providing her with his address. Witness 2 spoke to Pupil A's view that she was in a relationship with the Teacher, as her boyfriend.

In response to Panel questioning, Witness 2 stated that it was Witness 1 who had informed him of the Teacher having passed his personal email address to pupils but that he was unaware of the length of time this had been in place.

### **Witness 3**

Witness 3 confirmed that she had provided a statement to GTC Scotland which was signed and dated 17 March 2021 and that what was written there was accurate. At the outset of her evidence, she read aloud her witness statement. She outlined her educational qualifications and professional experience. She confirmed that whilst she was no longer employed at the school, she had been employed as Principal Teacher of the [redacted] of which Mother A was a member of staff. She spoke to having minimal contact with the Teacher prior to the events. She outlined the sequence of events

which led to Mother A refusing to attend the Teacher's class and her disclosure that matters concerned her daughter and the Teacher. She stated that the 'cloak and dagger' nature of Mother A's comments led to her discussing the matter with Pupil A, and, in turn, her realisation that the matter required to be reported due to her duty of care to Pupil A as a young person and for safeguarding reasons. She spoke to Pupil A who outlined how her contact with the Teacher had begun, and that over time it had become a relationship with increasingly suggestive messages exchanged between them. She spoke to Pupil A having told her that she had been invited by the Teacher to his home albeit she had decided not to attend. She stated that whilst Pupil A had confirmed no physical contact had taken place with the Teacher, Pupil A had considered herself to be in a relationship with him and that Pupil A had experienced confusion over her status when the Teacher had raised matters concerning 'his girlfriend' and had sought to 'end' their relationship. She spoke to having had sight of screenshots of communications between Pupil A and the Teacher and that whilst she could not recall the specific messages, she was firm in her disgust and revulsion at the content and obvious import. She spoke to the Teacher's behaviour as being 'infuriating', difficult and 'beyond that of a professional teacher and pupil'. She was firm in her view that the Teacher's behaviour had overstepped the professional relationship of a teacher and pupil. Witness 3 stated that in her view it had been a long-term unprofessional engagement in inappropriate communication by the Teacher with Pupil A.

## **Pupil A**

The Presenting Officer read aloud the witness statement provided by Pupil A to GTC Scotland dated 1 July 2021 and the unsigned and undated statement provided by Pupil A to the local authority during its investigation. Pupil A gave a detailed account of her accelerating relationship with the Teacher between August 2018 and February 2019. She spoke to the details of their flirtatious relationship in person and of their lengthy, and at times explicit, social media communications.

## Presenting Officer Submissions on the Alleged Facts

The Presenting Officer submitted that, where the facts alleged against the Teacher are not admitted, the burden of proof rests upon her to prove the allegations to the standard required, namely the standard used in civil proceedings, which is on the balance of probabilities. She referred the Panel to Rule 1.7.15, Rule 1.7.17 and the GTC Scotland Fact-Finding in Fitness to Teach Conduct Cases Practice Statement. She commended Witnesses 1, 2 and 3 as credible and reliable witnesses who had been straightforward, honest and truthful in their evidence, and that none had evidenced any animosity against the Teacher. She submitted that whilst the Panel had not had the benefit of hearing from Pupil A directly, it had sight of Pupil A's witness statements in which she had provided a detailed chronology of her accelerating relationship with the Teacher. The Presenting Officer referred to the case of *Basson v GMC* [2018] EWHC 505 with regard to the issue of sexual motivation. She submitted that the Panel was entitled to conclude that there was a sufficiency of evidence in this case which involved the Teacher engaging in secret and sexually suggestive and explicit messaging with a female pupil over an extended period. She highlighted the documentary evidence of the social media messages exchanged by Pupil A and the Teacher, which along with the written and oral evidence of witnesses, was sufficient for the Panel to be satisfied that the burden of proof had been met. In concluding her submissions, the Presenting Officer invited the Panel to find all of allegations found proved on the balance of probabilities.

## Findings of Fact

The Panel gave careful consideration to all of the evidence presented and submissions made by the Presenting Officer in making its findings of fact on the allegations. The Panel had in mind that the burden of proof rested on the Presenting Officer and that the standard of proof required is that used in civil proceedings, namely the balance of probabilities. The Teacher was absent and, in the circumstances, the Panel took account of the Practice Statement

on Fact-Finding in Fitness to Teach Conduct Cases relating to absent teachers and its obligation to ensure that the hearing is conducted in as balanced a way as circumstances permit.

The Panel considered the credibility and reliability of the witnesses who had given oral evidence at the Full Hearing.

The Panel considered Witness 1 to have been open and honest and that he gave his evidence in a clear, straightforward and professional manner. The Panel considered that he had exhibited no dislike or bias towards the Teacher and that he was clear when he could not recall matters. The Panel considered that he was credible and reliable and that his evidence was inherently probable. The Panel considered he had been truthful and that it was able to place a great deal of weight upon his evidence.

The Panel found that Witness 2 gave his evidence in a straightforward and even-handed manner. He conveyed his recollection in a clear and detailed manner. His evidence was consistent with what he had said on other occasions. He displayed no animosity towards the Teacher and the Panel found that he had no ulterior motive beyond wanting what was right in all the circumstances by ensuring adherence to procedure and policies within the school, and professional responsibilities. The Panel considered Witness 2 to have been both professional and truthful in his evidence, and that he had exhibited professional and caring traits in his focussed approach. The Panel considered him to have been the most objective in his evidence and that he was clear when he was unable to recall matters. The Panel considered that he was credible and reliable and that his evidence was inherently probable. The Panel considered he had been truthful and that it was able to place a great deal of weight upon his evidence.

The Panel considered Witness 3 to have been nervous initially but that she had been clear in her recollection of events, and further that whilst she had been unable to recall some elements of evidence in detail, she was clear as to their emotional impact upon her. She was respectful of the proceedings

and was objective in her evidence. The Panel considered that she had no underlying motive towards the Teacher and that she had remained measured throughout her evidence. The Panel considered that she was credible and reliable and that her evidence was inherently probable. The Panel considered she had been truthful and that it was able to place a great deal of weight upon her evidence.

The Panel then considered the witness statements of Pupil A which had been admitted as hearsay evidence. The Panel had regard to the GTC Scotland Witness and Hearsay Evidence Practice Statement regarding the weight which could be placed upon her evidence given that it had not heard from her in person. The Panel considered that Pupil A had displayed a level of objectivity in her written evidence, with an absence of apparent malice. The Panel considered that the detailed chronological description of events typed by Pupil A was accurate in providing a clear timeline of events. In particular, the Panel considered that Pupil A's evidence displayed no element of revenge against the Teacher, rather it indicated her wish that his behaviour should not be repeated towards any other pupil. The Panel considered, in that respect, that Pupil A had displayed an interest similar to the professional concerns of the other 3 witnesses, namely that the Teacher's conduct and behaviour should not be repeated to impact upon any other pupil. The Panel considered Pupil A to be a credible and reliable witness upon whose evidence it could place weight. The Panel considered that Pupil A was telling the truth.

#### Allegations 1a (i),(ii),(iii),(iv)

The Panel considered the evidence of Pupil A whom it considered to have told the truth. Pupil A spoke to the Teacher's conduct and behaviour in class, in particular his introduction of her to the pupils in his 2nd year class, his comments regarding her hair, his unnecessary touching of her and his comments regarding a previous girlfriend having 'broken' his 'heart'. The Panel noted the detailed statement provided by Pupil A to the local authority during its investigation. The Panel was satisfied that the Teacher had carried out all of the behaviour and conduct within the allegations.

Accordingly, the Panel found allegations 1a (i), (ii), (iii) and (iv) to be proved.

Allegation 1b (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix)

The Panel considered the evidence of Pupil A whom it considered to have told the truth. Pupil A spoke to the comments made by the Teacher in the detailed statement which she had provided to the local authority during its investigation. The Panel considered Pupil A's evidence that the Teacher had given her his personal email address and offered her a set of headphones accidentally left behind by another pupil. The Panel was satisfied that the Teacher had made the comments to Pupil A, had provided her with his personal email address and had offered her another pupil's headphones.

Accordingly, the Panel found allegation 1b (i), (ii), (iii), (iv), (v), (vi), (vii), (viii) and (ix) to be proved.

Allegation 1c (i), (ii), (iii), (iv), (v), (vi),(vii),(viii),(ix)

The Panel considered the evidence of Pupil A whom it considered to have told the truth. Pupil A spoke to the comments made to her by the Teacher of jokes of a sexually suggestive nature, and [with regard to](#) her Halloween costume. The Panel considered Pupil A's evidence of being touched by the Teacher and asked to put make-up on him in advance of a school Halloween party. The Panel also considered Pupil A's evidence with regard to comments made by the Teacher about her and in questions he posed to his 2<sup>nd</sup> year pupils. The Panel considered the evidence from Witness 2 and that he was a credible and reliable witness. The Panel was satisfied that the Teacher had made the comments about Pupil A in class, and made the comments directly to Pupil A, and that he had touched her and requested that she put make-up on him.

Accordingly, the Panel found allegations 1(c) (i), (ii), (iii), (iv),(v),(vi),(vii),(viii) and (ix) to be proved.

Allegation 1d (i), (ii), (iii)

The Panel considered the evidence of Pupil A whom it considered to have told the truth. Pupil A spoke to the social media messages which had passed between her and the Teacher, and the Panel considered the screenshots of the email messages in the evidence before it. The Panel was not satisfied that allegation 1(d)(i) accurately reflected the wording of the email message screenshot. It was minded, in line with Rule 2.8.4, to indicate to the Presenting Officer that it proposed amending the allegation by deleting the word 'your' and inserting the word 'the' for the allegation to read, 'At 19.53, in respect of dressing up for Halloween, 'I hadn't actually intended to but if it means you'd get all dressed up again I might need to consider it...Would you wear all of the Wonder Woman Costume?'. The Panel was satisfied that the Teacher had sent all of the messages to Pupil A.

#### Allegation 1e (i) (ii) (iii) (iv) (v) (vi) (vii) (viii)

The Panel considered the evidence of Pupil A whom it determined to have told the truth and of the screenshots of email messages sent to her by the Teacher. The Panel was not satisfied that the allegation 1(e)(i) accurately reflected the wording of the screenshot email message. It was minded, in line with Rule 2.8.4, to indicate to the Presenting Officer that it proposed amending the allegation by deleting the word 'that' for the allegation to read 'At 17:42 in respect of his 2nd year class, 'yeah considering they're trying to set us up.....I blame you for that'. The Panel was satisfied that the Teacher had sent all of the messages to Pupil A.

#### Allegation 1f (i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix)

The Panel considered the evidence of Pupil A whom it considered to have told the truth, and the screenshot messages in evidence. The Panel considered the evidence from Witness 2, and that he was a credible and reliable witness with no personal interest in the matter. The Panel was satisfied that the Teacher had made the comments to Pupil A and sent the social media messages to her.

Accordingly, the Panel found allegations 1f (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), and (ix) to be proved.

Allegation 1 g (i), (ii), (iii), (iv), (v), (vi), (vii), (viii) and (ix)

The Panel considered the evidence of the screenshots of email messages sent by the Teacher to Pupil A via his personal email address. The Panel noted the terms of the messages, and the directive nature of the messages regarding his 'Rules' for Pupil A. The Panel was satisfied that the Teacher had sent all of the email messages to Pupil A.

Accordingly, the Panel found allegations 1g (i), (ii), (iii), (iv), (v), (vi), (vii) (viii) and (ix) to be proved.

Allegation 1h

The Panel considered the evidence of Pupil A whom it considered to have told the truth. The Panel considered the evidence from Witness 3 and that she was a credible and reliable witness with no personal interest in the matter. The Panel was satisfied that the Teacher had invited Pupil A to his flat.

Accordingly, the Panel found allegation 1h to be proved.

Allegation 1i (i), (ii), (iii), (iv)

The Panel considered the evidence of Pupil A whom it considered to have told the truth. The Panel considered the evidence of the screenshot social media messages. The Panel considered the evidence of Witness 2 and that he was a credible and reliable witness with no personal interest in the matter. The Panel was satisfied that the Teacher had sent the social media messages to Pupil A.

Accordingly, the Panel found allegations 1 i (i), (ii), (iii) and (iv) to be proved.

Allegation 1j

The Panel considered the evidence from Witness 2 and that he was a credible and reliable witness with no personal interest in the matter. The Panel considered the evidence of Pupil A whom it considered to have told the truth. The Panel considered the evidence of the screenshot messages. The Panel was satisfied that the Teacher had sent the message to Pupil A.

Accordingly, the Panel found allegation 1j to be proved.

#### Allegation 1k

The Panel considered the evidence of Witness 2 and that he was a credible and reliable witness with no personal interest in the matter. The Panel considered the evidence of Pupil A whom it considered to have told the truth. The Panel was satisfied that the Teacher had made the comment to Pupil A.

Accordingly, the Panel found allegation 1k to be proved.

#### Allegation 1l, 1m, 1n, 1o, 1p and 1q

The Panel considered the evidence of Pupil A whom it considered to have told the truth. The Panel noted the evidence of Pupil A in her detailed statement to the local authority investigation. The Panel was satisfied that the Teacher had made all of the comments and statements to Pupil A.

Accordingly, the Panel found allegations 1l, 1m, 1n, 1o, 1p and 1q to be proved.

#### Allegation 2

The Panel considered the evidence of Witnesses 1 and 2 and that they were credible and reliable witnesses with no personal interest in the matter. Witnesses 1 and 2 spoke to the Teacher providing pupils in 5th year with his personal email address, and further the Panel noted the consistency of their written and oral evidence. The Panel considered the evidence of Pupil A whom it considered to have told the truth in her detailed statement provided

to the local authority's investigation. The Panel was satisfied that the Teacher had provided his personal email to pupils in his 5th year class.

Accordingly, the Panel found allegation 2 to be proved.

### **Allegation 3**

The Panel considered the evidence of Witnesses 2 and 3 and that they were credible and reliable witnesses with no personal interest in the matter. Witnesses 2 and 3 spoke to having had sight of screenshots of the social media messages sent between the Teacher and Pupil A. The Panel considered the evidence of Pupil A whom it considered to have told the truth. Pupil A spoke to the social media messages between herself and the Teacher. The Panel considered the text and content of the social media messages sent by the Teacher to Pupil A and it considered the evidence of Pupil A in her detailed statement provided by her to the local authority investigation. The Panel considered that all of the comments listed in Allegation 3, whether made by the Teacher in person or via social media, were sexually motivated in that they were carried out for his own sexual gratification and in hope of a future sexual relationship with Pupil A. The Panel considered that any properly informed member of the public would view the Teacher's messages and comments as having been made for his own sexual gratification and in pursuit of a future sexual relationship with Pupil A. The Panel considered that the Teacher, who was in a professional position of trust, had breached that trust by engaging in a determined and sustained campaign towards Pupil A for his own sexual gratification. The Panel considered there was no other context in which the Teacher's comments could be viewed other than as sexually motivated.

Accordingly, the Panel found allegation 3 to be proved.

Prior to announcing its decision on facts, the Panel invited submissions by the Presenting Officer on the proposed amendments. The Presenting Officer had no objections. Accordingly, the Panel amended allegation 1d(i) to read

'...all of the Wonder Woman costume' and allegation 1e(i) to read 'yeah considering they're trying to set us up...I blame you for that'.

The Panel announced that allegations 1d(i) and 1e(i), as amended, were found proved and that all of the other allegations were found proved.

## Proceeding in the Absence (Stage 2)

Having found all of the allegations proved, the Panel considered whether to proceed to the next stage of the case, namely consideration of Fitness to Teach, in the absence of the Teacher. The Presenting Officer submitted that the Panel could proceed. She submitted that notice of the hearing had been served and received, and that there was a voluntary absence by the Teacher. The Presenting Officer further submitted that the crux of the matter was whether the absence was voluntary or involuntary and that if the Teacher had chosen not to attend, the assumption was that the hearing would proceed. She referred the Panel to the GTC Scotland Practice Statement on Postponements, Adjournments and Proceedings in the Absence.

The Panel noted that it had determined at Stage 1 of the proceedings that service of the notice had been effected in accordance with the Rules. The Panel then considered the issues of fairness, the public interest, the serious nature or otherwise of the allegations found to be proved and whether there had been a statement by the Teacher of whether he wished to attend or be represented at the hearing. The Panel considered the Practice Statement on Postponements, Adjournments and Proceedings in the Absence. The Panel considered that the Teacher had indicated he did not wish to attend the hearing or engage fully in the GTC Scotland process.

The Panel determined to proceed with the hearing into the Fitness to Teach stage. It considered that the Teacher had been given sufficient opportunity already to participate in the process. The Panel considered it was unlikely that the Teacher would re-engage with the process were it to pause at this

stage. The Panel was also of the view that it was in the public interest to proceed further with the case and bring it to a conclusion.

## Findings on Fitness to Teach

Given that the Panel found all of the allegations proved, the Panel invited the Presenting Officer to lead evidence and make submissions in relation to the Teacher's fitness to teach.

No additional evidence was presented by the Presenting Officer and the Panel continued to hear her submissions.

The Presenting Officer referred the Panel to Public Services Reform (General Teaching Council for Scotland) Order 2011 and to the GTC Scotland Practice Statement Fitness to Teach Conduct Cases Indicative Outcome Guidance at Part A. She submitted that Parts 1.2, 1.3, 1.4, 1.6 and 2.3 of COPAC had been breached by the Teacher. She submitted that the Teacher had failed to be mindful of his privileged position as a teacher and that his multiple breaches of COPAC were sufficient for the Panel to find that his behaviour constituted misconduct. She referred the Panel to authorities with regard to the definition of misconduct. She submitted that in terms of the seriousness of the allegations, the multiple breaches of COPAC, the behaviour found proved and in the wider public interest, that the Teacher's actions fell significantly short of what was expected and that he had acted in a manner incompatible with being a registered teacher. She submitted that there was no evidence before the Panel of any insight, remediation or remorse on the part of the Teacher. The Presenting Officer submitted that there was a significant degree of public interest with regard to maintaining the integrity of the teaching profession and that of public confidence. The Presenting officer invited the Panel to find that the Teacher was unfit to teach.

The Panel gave careful consideration to the submissions made by the Presenting Officer in relation to the Teacher's fitness to teach. The Panel also had regard to the legal advice, including the need to consider

remediation and the public interest when determining current Fitness to Teach. The Panel addressed the relevant considerations in relation to fitness to teach, as outlined in the GTC Scotland Fitness to Teach Conduct Cases – Indicative Outcomes Guidance Practice Statement ('IOG').

In making its decision, the Panel considered the following questions:

- Did the Teacher's conduct at the time of the incidents fall short of the expected professional standards?

The Panel assessed the Teacher's conduct by reference to COPAC. The Panel determined the Teacher's conduct breached Parts 1.2, 1.3, 1.4, 1.6 and 2.3 of COPAC. It concluded that he fell short of the standards expected of a registered teacher and that his actions amounted to misconduct.

The Panel held that the Teacher's behaviour overall was indicative of him seeking to build a relationship with Pupil A, by engaging in flirty physical contact, sexualised communications and the sending of indecent images. The Panel held that in providing his personal email address to Pupil A and other pupils he had also breached professional boundaries. The Panel considered the Teacher's behaviour to have exhibited a desire to keep his relationship with Pupil A secret, in particular his instruction for her to use social media which self-deleted. The Panel held that he had sought to induce Pupil A to send him indecent images of herself and had sought to normalise this when she had objected to his requests. The Panel held that the Teacher's behaviour as described had breached Parts 1.2, 1.3, 1.4 and 1.6.

The Panel found that, for the facts found proved, COPAC Part 1.2 had been breached, as the Teacher had not maintained appropriate professional boundaries, having made comments of a sexual nature to Pupil A, had touched her unnecessarily, and exchanged indecent images with Pupil A. The commentary of COPAC states, amongst other things, that teachers should 'avoid sexual contact with or remarks towards a pupil of school age, regardless of the apparent consent of the individual concerned.' There was also a breach of Part 1.2 regarding Allegation 2, in that the Teacher had

provided a class with his personal email address. The Panel considered that COPAC Part 1.3 had been breached in that, although there had been no criminal conviction, the conduct had called into question the Teacher's fitness to teach. The allegations had been investigated by the Police, and the case was not taken forward due to insufficiency of evidence. The Panel found that Part 1.4 had been breached in that the Teacher's conduct was not that which is expected of a teacher. He was employed in a particular role to teach a secondary level subject, His actions were not that expected or acceptable in this role, and the public could not be expected to have confidence in the Teacher or in the teaching profession. The panel held that part 1.6 of COPAC had been breached as the conduct was not that of a professional. The Panel felt that coaxing a pupil to share indecent images, and flirtatious behaviour in front of S2 classes was not modelling appropriate professional behaviour. The Panel noted that the Teacher's behaviour towards Pupil A which took place in his classroom and beyond had been neither inspiring nor motivational for her or his other pupils. The Panel held that the Teacher's focus had been on his personal interest in Pupil A and on his own gratification. In particular, the Panel held that there had been a significant detrimental impact upon Pupil A. The Panel held that in providing pupils with his personal email address he had failed to be a positive role model. The Panel held that the Teacher had breached Part 2.3.

- Are the shortfalls identified remediable, have they been remedied and is there a likelihood of reoccurrence?

The Panel was aware that it had to undertake a current assessment of the Teacher's fitness to teach, which involved taking into account any remediation and insight. The Panel had no evidence of the Teacher's current circumstances. In light of the Teacher's lack of any substantive response to the allegations, the Panel was not satisfied that there was any evidence of remediation, insight or remorse. The Panel regarded the conduct as very serious due to the breach of the Teacher's professional position of trust and the sexually motivated nature of his conduct. Further, given the nature of the conduct and the lack of any evidence of insight or remorse, the Panel could

not exclude the possibility of similar conduct being repeated in the future. The Panel considered whether there were any aggravating or mitigating factors. The Teacher had chosen not to fully engage with the GTC Scotland process and so there was no evidence of remediation. As the Teacher had not given evidence, it was not possible for the Panel to ascertain the level of his insight in order to remediate the conduct and mitigate against it happening again. The Panel identified a pattern of behaviour by the Teacher that was sustained, targeted and exploitative and which displayed a high level of disregard not only for his professional duties and responsibilities towards Pupil A but also towards other pupils in the school, and the teaching profession. In addition, the Panel considered the Teacher to have been both secretive and manipulative in his behaviour towards Pupil A. The Panel considered that in warning Pupil A not to tell her mother about their relationship, the Teacher had evidenced his awareness of the inappropriateness of the relationship and that he had become somewhat threatening towards Pupil A towards the end of the relationship. Therefore, there was insufficient evidence to satisfy the Panel that the conduct was remediable, had been remedied and that there was no likelihood of reoccurrence.

Accordingly, the Panel was satisfied that the conduct was not remediable, that it had not been remedied and that there was a likelihood of reoccurrence.

- Is a finding of impairment required in the public interest?

The Panel considered that the public perception of the seriousness of the allegations would be high, and that the public would consider the actions of the Teacher as misconduct. The Panel also determined that the public interest required a finding that the Teacher was unfit to teach in order to maintain the public's confidence in the teaching profession and in GTC Scotland as its regulator. The Panel recognised the impact upon Pupil A of the Teacher's behaviour and of her participation in the GTC Scotland proceedings. Further to this, the Panel determined that there were multiple

breaches of COPAC and that areas of the Teacher's conduct were fundamentally incompatible with being a registered teacher.

Accordingly, for the reasons set out above, the Panel determined that the Teacher's conduct falls significantly short of the standards expected of a registered teacher and that he is therefore unfit to teach.

## Decision

As the Panel determined that the Teacher is unfit to teach, in accordance with the terms of Article 18(2)(b) of the Public Services Reform (General Teaching Council for Scotland) Order 2011, it directed that the Teacher's name be removed from the Register

Given the Panel found the Teacher unfit to teach the Panel invited the Presenting Officer to make submissions on the appropriate period for which the Teacher should be prohibited from making an application to be restored to the Register.

The Presenting Officer directed the Panel to Rule 2.10.1, Article 18 of the 2011 Order and to the IOG. She submitted that the nature of the conduct in the allegations, married with the lack of evidence of remediation or of insight by the Teacher, entitled the Panel to determine a period of 2 years was appropriate in the circumstances of the case.

The Panel gave careful consideration to the evidence before it and the Presenting Officer's submissions. As set out in the IOG, the Panel required to determine the period during which the Teacher should be prohibited from applying to be restored to the Register. The Panel noted the seriousness of the Teacher's conduct which lay at the high end of misconduct. The Panel noted the lack of any evidence with regard to remediation or remorse on the Teacher's part and the absence of any mitigating factors. The Panel determined the appropriate period of prohibition to be 2 years. That was the maximum duration indicated by the IOG and permitted under the 2011 order.

The Panel selected that period due to the seriousness of the conduct, as a deterrent to the wider profession and in order to protect the public.

Once the Teacher's name has been removed from the Register, his name remains so removed unless and until an application for re-registration is made by him and a Fitness to Teach Panel directs that the application be granted.

## Right of Appeal

The Teacher has the right to appeal to the Court of Session against the decision within 28 days of service of the Decision Notice. The Teacher's name will remain on the Register until the appeal period has expired and any appeal lodged within that period has been determined.



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