



Teaching
Regulation
Agency

Mr Oliver Ciaravella: Professional conduct panel meeting outcome

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

October 2021

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

Teacher:	Mr Oliver Ciaravella
Teacher ref number:	0638897
Teacher date of birth:	11 July 1980
TRA reference:	16753
Date of determination:	25 October 2021
Former employer:	Honywood Community School, Essex

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 25 October 2021 by way of a virtual meeting, to consider the case of Mr Oliver Ciaravella.

The panel members were Ms Claudette Salmon (teacher panellist – in the chair), Mr Alan Wells (former teacher panellist) and Ms Shabana Robertson (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Ciaravella that the allegations be considered without a hearing. Mr Ciaravella provided a signed statement of agreed facts and admitted a conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Andrew Cullen of Browne Jacobson LLP, Mr Ciaravella or any representative for Mr Ciaravella.

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

Allegations

The panel considered the allegations set out in the notice of meeting dated 22 September 2021.

It was alleged that Mr Ciaravella was guilty of having been convicted of a relevant offence, in that:

1. At Chelmsford Crown Court on or around 5 May 2020, he pleaded guilty to arranging or facilitating the commission of a child sex offence, contrary to section 14(1) of the Sexual Offences Act 2003.

Mr Ciaravella admitted the facts of allegation 1 and that his behaviour amounted to a conviction of a relevant offence, as set out in the statement of agreed facts signed by Mr Ciaravella on 18 April 2021.

Preliminary applications

There were no preliminary applications.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Chronology – page 2
- Section 2: Notice of meeting, statement of agreed facts and presenting officer representations – pages 4 to 8
- Section 3: Teaching Regulation Agency documents – pages 10 to 78

- Section 4: Teacher documents – none supplied

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

Statement of agreed facts

The panel considered a statement of agreed facts, which was signed by Mr Ciaravella on 18 April 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Ciaravella dated 18 April 2021 for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Ciaravella was employed by Honywood Community School ('the School') as a subject leader from 1 September 2010. On 21 September 2017, Mr Ciaravella was suspended from work. He subsequently resigned and ceased working for the School on 26 May 2019.

Mr Ciaravella contacted an individual, who was purporting to be a 15 year old boy, on a dating app called Grindr. Mr Ciaravella sent sexual messages and explicit images to this individual. Following a conversation on Grindr, Mr Ciaravella arranged to meet up with the individual. The individual who had purported to be the 15 year old boy passed the meeting arrangements on to the police.

Mr Ciaravella was arrested for the offence of grooming and travelling to meet a child for a sexual purpose on 20 September 2017.

Findings of fact

The findings of fact are as follows:

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

1. At Chelmsford Crown Court on or around 5 May 2020, you pleaded guilty to arranging or facilitating the commission of a child sex offence, contrary to section 14(1) of the Sexual Offences Act 2003.

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers (“the Advice”) which states that where there has been a conviction at any time of a criminal offence, the hearing will not re-examine the facts of the case and the panel will accept the conviction as conclusive proof that establishes the relevant fact.

The panel had been provided with a copy of the certificate of conviction from the Chelmsford Crown Court, which detailed that Mr Ciaravella had been convicted of arranging or facilitating the commission of a child sex offence, in respect of his actions on 20 September 2017.

In addition, the panel noted that within the statement of agreement facts, signed by Mr Ciaravella on 18 April 2021, Mr Ciaravella admitted the facts of allegation 1.

On examination of the documents before the panel, the panel was satisfied that the facts of allegation 1 were proven.

Findings as to conviction of a relevant offence

Having found the facts of allegation 1 proven, the panel went on to consider whether those facts amounted to a conviction of a relevant offence.

The panel was satisfied that the conduct of Mr Ciaravella in relation to the facts it found proved involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Ciaravella was 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the offence had taken place outside of the school setting and had not involved pupils from the School where Mr Ciaravella worked or other members of staff. However, the panel concluded that Mr Ciaravella's actions were relevant to teaching, working with children and/or working in an education setting in that Mr Ciaravella had arranged to meet an individual who was purporting to be a 15 year old boy, and Mr Ciaravella was responsible for teaching individuals of that age (and younger). The panel concluded that Mr Ciaravella's conduct would have a negative impact on his status as a teacher and, further, as set out below, would be likely to damage the public perception of teachers.

The panel was of the view that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public, particularly given that Mr Ciaravella had sent explicit images and sexual messages to an individual who was purporting to be a 15 year old boy.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Ciaravella's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community and the fact that Mr Ciaravella had pleaded guilty to arranging or facilitating the commission of a child sex offence.

Whilst Mr Ciaravella's behaviour did not lead to a sentence of imprisonment, the panel was mindful that this case involved an offence of sexual activity, which the Advice states is likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Ciaravella's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the

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 the light of the panel's findings against Mr Ciaravella, which involved a conviction of a relevant offence, there was a strong public interest consideration in respect of the protection of pupils.

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

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Ciaravella 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 Ciaravella.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Ciaravella. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that 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;
- sexual misconduct, for example, 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Ciaravella's actions were not deliberate. There was no evidence to suggest that Mr Ciaravella was acting under duress, and, in fact, the panel found Mr Ciaravella's actions to be calculated and motivated.

Whilst Mr Ciaravella admitted his conduct and pleaded guilty in respect of the criminal proceedings, the panel noted that he had initially sought to deny his conduct and/or made excuses during the police interview. This included implying that there was no sexual motivation, that he did not receive a message from the individual stating that he was 15 years old and that, despite arranging to meet with the individual, he was intending to walk away. The panel did not find this explanation compelling and considered that it demonstrated a lack of insight and/or remorse, although the panel acknowledged that Mr Ciaravella subsequently pleaded guilty in the criminal proceedings.

No evidence was submitted to attest to Mr Ciaravella's previous history as a teacher and Mr Ciaravella did not submit any documents or mitigation for the panel to consider. The panel took into account the [redacted] which was included in the bundle. [Redacted]. However, the panel was not provided with details of this mitigation (or any mitigation) and therefore could not properly assess it.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Ciaravella. The serious nature of Mr Ciaravella's conviction and the lack of insight and remorse shown were significant factors in forming that opinion. The panel concluded that it would not be appropriate for Mr Ciaravella to return to the teaching profession given that he had decided to meet an individual purporting to be 15 years old and pleaded guilty to arranging or facilitating the commission of a child sex offence. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 proved, would militate against the recommendation of a review period. One of behaviours include serious sexual misconduct, such as 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 his professional position to influence or exploit a person or persons. The panel found that Mr Ciaravella was convicted of a sexual offence.

The panel decided that 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 a prohibition order to be recommended without provisions 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 of the panel in respect of both sanction and review period.

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

In this case, the panel has found all the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Oliver Ciaravella should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Ciaravella 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include a finding of a relevant conviction, for, “arranging or facilitating the commission of a child sex offence, contrary to section 14(1) of the Sexual Offences Act 2003.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the publication of a finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Ciaravella, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that , “Mr Ciaravella had arranged to meet an individual who was purporting to be a 15 year old boy, and Mr Ciaravella was responsible for teaching individuals of that age (and younger).” A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows,” Mr Ciaravella did not submit any documents or mitigation for the panel to consider. The panel took into account the [redacted] which was included in the bundle. [Redacted]. However, the panel was not provided with details of this mitigation (or any mitigation) and therefore could not properly assess it.” I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it, “also took account of the way the teaching profession is viewed by others. The panel considered that Mr Ciaravella’s behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community and the fact that Mr Ciaravella had pleaded guilty to arranging or facilitating the commission of a child sex offence.

Whilst Mr Ciaravella's behaviour did not lead to a sentence of imprisonment, the panel was mindful that this case involved an offence of sexual activity, which the Advice states is likely to be considered a relevant offence."

I am particularly mindful of the finding of a relevant conviction in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Ciaravella himself. The panel observe that, "No evidence was submitted to attest to Mr Ciaravella's previous history as a teacher and Mr Ciaravella did not submit any documents or mitigation for the panel to consider."

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "The panel decided that the public interest considerations outweighed the interests of Mr Ciaravella. The serious nature of Mr Ciaravella's conviction and the lack of insight and remorse shown were significant factors in forming that opinion. The panel concluded that it would not be appropriate for Mr Ciaravella to return to the teaching profession given that he had decided to meet an individual purporting to be 15 years old and pleaded guilty to arranging or facilitating the commission of a child sex offence."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ciaravella has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "he had decided to meet an individual purporting to be 15 years old and pleaded guilty to arranging or facilitating the commission of a child sex offence."

I have considered whether allowing for a no review period reflects the seriousness of the findings and is proportionate and necessary to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review is necessary to achieve the aim of maintaining public confidence in the profession are the serious nature of the offence, and the lack of full insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Oliver Ciaravella 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 Oliver Ciaravella 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 Oliver Ciaravella 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: 27 October 2021

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