



Teaching  
Regulation  
Agency

# **Mr Stephen R Welsby: Professional conduct panel outcome**

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

**February 2023**

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

<b>Teacher:</b>	Mr Stephen R Welsby
<b>Teacher ref number:</b>	6414374
<b>Teacher date of birth:</b>	15 October 1945
<b>TRA reference:</b>	18512
<b>Date of determination:</b>	24 February 2023
<b>Former employer:</b>	St Anne's College Grammar School, Lancashire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 20 February 2023 to 23 February 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Stephen Welsby and Individual D. The panel also convened by virtual means on 24 February 2023.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mrs Joanna Hurren (teacher panellist) and Mr Duncan Tilley (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors who joined the hearing virtually.

The presenting officer for the TRA was Mr Michael O’Donohoe of Browne Jacobson LLP solicitors.

Mr Welsby was present and was represented by Ms Melanie Williamson, Counsel.

The hearing took place in public, save for matters pertaining to health which were heard in private. The hearing was recorded.

## Allegations

The panel considered the allegations against Mr Welsby set out in the notice of proceedings dated 9 December 2022.

It was alleged that Mr Welsby was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Principal at St Anne's College Grammar School he:

1. Acted inappropriately and/or failed to ensure appropriate action was taken with respect to a disclosure made on or around 24 July 2018 relating to the conduct of Individual X towards Pupil A, in that he
  - a. Did not inform the Local Authority and/or the police promptly, despite having sufficient information to conclude that the disclosure amounted to an allegation that Individual X had behaved in a way that may have harmed a child and/or possibly committed a criminal offence against a child;
  - b. Informed Individual X about the disclosure/allegation before consulting with Witness B;
  - c. Suggested and/or agreed to delay the reporting of the disclosure/allegation;
  - d. Suggested and/or agreed not to report the disclosure/allegation if Pupil A's parents did not wish to do so;
  - e. Did not ensure that the instructions given by police with regards to the retention of potential evidence were carried out promptly and/or properly;
  - f. Did not provide evidence of admissions which had been made to him by Individual X on or around 24 July 2018, until 4 September 2018;
2. One or more of his actions and/or omissions as set out at 1 above had the potential to compromise investigations by the police and/or Local Authority in relation to the conduct of Individual X.

Mr Welsby admitted the facts of the allegations, save for 1e. At the outset of the hearing, he denied that his actions amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Whilst giving oral evidence, Mr Welsby accepted that his actions in respect of those allegations that he had admitted amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## Preliminary applications

### Applicable Procedures

The panel understands that Mr Welsby was referred to the TRA on 3 July 2019. The Teacher misconduct disciplinary procedures for the teaching profession updated April 2018 therefore apply in this case (“the Procedures”).

### Admission of Late Documents

The panel considered an application by the presenting officer to admit guidance “Working Together to Safeguard Children of July 2018”.

The panel also considered an application by Individual D to admit her witness statement.

The panel also considered an application by Mr Welsby to admit a witness statement of Witness C who is the [REDACTED].

None of these documents had been submitted to the panel and the other parties to the proceedings in accordance with the timescales set out in paragraph 4.20 of the Procedures. Paragraph 4.25 of the Procedures states that if either party wishes to rely at the hearing upon any document not served in accordance with paragraph 4.20, then that document may only be admitted at the discretion of the panel. With regard to the exercise of that discretion, paragraph 4.18 of the Procedures states that the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel decided to admit the document ‘Working Together to Safeguard Children’, it being a document that had been published at the time of the matters referred to in the allegations. It was therefore fair for the document to be admitted, since teachers ought to be aware of the guidance that governed their practice. It was relevant since it provides guidance regarding working with local authorities in relation to the of safeguarding of children.

The panel decided to admit the witness statement of Individual D. This contains Individual D’s response to the allegations and the evidence that she would give as her evidence in chief, and is therefore relevant. The panel considered that it was fair for the statement to be admitted as it will be helpful to have a written record of Individual D’s evidence.

The panel decided to admit the witness statement of Witness C. It was accepted that a witness statement for these proceedings could have been sought and finalised at an earlier stage in these proceedings. However, there is a police statement of this witness within the bundle, and the evidence is therefore not entirely new. The panel understands Witness C will provide some additional details and provide evidence of

his relationship with Mr Welsby. It was therefore considered that it would be fair for the statement to be admitted. Such evidence was relevant to the issue of whether instructions given by police with regards to the retention of potential evidence were carried out promptly and/or properly by Mr Welsby.

## **Summary of evidence**

### **Documents**

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

Section 1: Notice of proceedings – pages 1 to 9

Section 3: Teaching Regulation Agency witness statements – pages 10 to 215

Section 4: Teaching Regulation Agency documents – pages 216 to 239

Section 5: Teacher documents – pages 240 to 346

In addition, the panel agreed to accept the following:

Working together to safeguard children dated July 2018;

Witness statement of Individual D dated 30 January 2023; and

Witness statement of Witness C dated 17 February 2023.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

### **Witnesses**

The panel heard oral evidence from a [REDACTED]; a [REDACTED] called by the Presenting Officer.

The panel heard evidence from Mr Welsby and Individual D. The panel also heard evidence from Witness C at the school who is the [REDACTED]. Witness C was called by the representative of Mr Welsby.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Mr Welsby is a proprietor and principal of St Anne's College Grammar School ("the School"). Concerns were raised by the police regarding Mr Welsby's handling of safeguarding issues arising from allegations received from a pupil's [REDACTED] regarding interactions between a teacher at the school ("Individual X") and the pupil ("Pupil A"). Individual X was later convicted of sexual offences with a child.

## Findings of fact

The findings of fact are as follows:

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

### Whilst employed as Principal at St Anne's College Grammar School he:

- 1. Acted inappropriately and/or failed to ensure appropriate action was taken with respect to a disclosure made on or around 24 July 2018 relating to the conduct of Individual X towards Pupil A, in that he**
  - a. Did not inform the Local Authority and/or the police promptly, despite having sufficient information to conclude that the disclosure amounted to an allegation that Individual X had behaved in a way that may have harmed a child and/or possibly committed a criminal offence against a child;**

The panel considered guidance contained in 'KCSIE' and 'Working Together to Safeguard Children' applicable at the time of the conduct referred to in the allegations.

Part four of 'KCSIE' provides guidance about managing cases of allegations against a teacher, where it is alleged that teacher has

- *“behaved in a way that has harmed a child, or may have harmed a child;*
- *possibly committed a criminal offence against or related to a child;*
- *or behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children”.*

The guidance goes on to state at paragraph 151: *“In the first instance, the headteacher or principal...(the ‘case manager’) should immediately discuss the allegation with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action... There may be situations*

*when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to determine whether police involvement is necessary.”* Paragraph 31 of the guidance makes clear that allegations should be reported to the designated officer at the local authority (the “LADO”).

‘Working Together to Safeguard Children’ of July 2018, paragraph 7 states “*Any allegation against people who work with children should be reported immediately to a senior manager within the organisation or agency. The designated officer, or team of officers should also be informed within one working day of all allegations that come to an employer’s attention or that are made directly to the police.*”

Mr Welsby was not the DSL, but he was a principal of the school and as such he was obliged to adhere to the obligation to report to the LADO.

Mr Welsby admitted the allegation. He accepted that both he and Individual D were [REDACTED] of the school. Mr Welsby gave oral evidence that, upon being informed of the allegation at approximately noon on 24 July 2018, he did not believe the allegations, based upon his dealings with Pupil A’s parents in the past and his observations of Individual X behaving entirely properly towards pupils. He stated that he believed he had sent a text message to Individual X to arrange a meeting with him. The meeting took place approximately two hours after Mr Welsby had been made aware of the allegations. Mr Welsby now accepts that he judged the situation wrongly and that he should not have met with Individual X at this time.

The transcript shows that during the meeting with Individual X, Mr Welsby asked Individual D “*Can we procrastinate?*” Individual D suggested that she would send an email to Witness B rather than telephoning him, asking Witness B to contact her because she needed advice. She then stated that she could tell Pupil A’s family that she had contacted Witness B and that she was “*waiting for them to get back to [her]*”. Individual D went on to state “*If they are insistent that it goes ahead, then it has to go ahead, if though, what they say, if we feel there is any manoeuvre or any way not to take it further, we ourselves don’t want to take it further.*”

Mr Welsby stated that he admitted that Witness B was not informed before seeing Individual X, but that Witness B was contacted by Individual D, as [REDACTED], immediately after the meeting had finished.

Witness B provided a summary of events that records Individual D having emailed Witness B at 14:48 on 24 July 2018 stating “*Not sure whether you are available during school holidays, but I would like to ask for advice, Could you let me know please when it is best to telephone?*”



Witness B confirmed that its service works during school holidays, and is available to be contacted save for on weekends and bank holidays. Although 'Working Together to Safeguard Children' had only recently been updated, Witness B also confirmed that the process for notifying allegations had remained unchanged and that there were no significant changes since the role of Witness B was created in 2006.

Witness B gave evidence that he is often contacted by teachers seeking advice in relation to safeguarding practice and procedures in circumstances where there is no allegation. However, the expectation is that if a school was aware of an allegation, it would not be seeking advice, it would be making the required notification. Clearly communicating that there was an allegation was necessary in order to convey the urgency and consultation that would be required as to next actions.

Mr Welsby accepted that instead of meeting Individual X he should have reported the allegations straight to the police or to the LADO.

In the circumstances, the panel considered that the allegation made against Individual X met the threshold that required him, as principal to immediately discuss the matter with Witness B, or at the very least to ensure that the matter had been reported to Witness B. In failing to notify the allegation and convey the urgency with which a discussion was required with Witness B, Mr Welsby failed to inform the local authority promptly. This deprived Witness B of the ability to consult with Mr Welsby in an urgent fashion and was thereby inappropriate.

The panel found this allegation proven.

**b. Informed Individual X about the disclosure/allegation before consulting with Witness B;**

Paragraph 147 of 'KCSIE' makes clear that employers have a duty of care to their employees and should afford effective support to anyone facing an allegation. It is stated, "*It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.*"

Paragraph 153 of 'KCSIE' states that "*the case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being*

*suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved.”*

It is therefore clear from the guidance that Witness B should have been consulted before Individual X was contacted in order that the extent of the information to be provided to Individual X could have been agreed.

Mr Welsby admitted that Individual X did not need to be informed of the allegation at that time. In conducting the meeting, he admits the allegation was discussed before Witness B was contacted at the conclusion of the meeting. In retrospect, Mr Welsby admits that the meeting should not have taken place until Witness B responded.

Mr Welsby arranged the meeting with Individual X by text message. Mr Welsby did not consider that anything contained in his message could have conveyed what the meeting would be about. However, it is possible that the sending of a message requesting an urgent meeting during the school holidays could have alerted Individual X to the nature of what was to be discussed.

At the outset of the transcript of the meeting with Individual X, Mr Welsby stated *“you have been sending texts and emails and things to her [Pupil A]. I’ve got to ask you the awkward question, in that, has any sexual activity taken place?”*

Mr Welsby stated that he did not know if the information he provided in the meeting made Individual X aware that the allegations had been made. He had the impression that Individual X was already aware since he immediately offered to resign before the recording of the meeting had started. Nevertheless, the panel considered Mr Welsby could not have known whether or not Individual X had already been informed, when the nature of the allegations were explained to Individual X by Mr Welsby during the meeting.

The transcript of the meeting shows that at the end of the meeting Individual X was suspended from his duties at the school. Mr Welsby explained that this action was taken to ensure that Individual X did not attend the school and/or have any contact with pupils or access to his email or computer.

The police action log notes that Witness B had made the police aware that Individual X had been suspended. The note by the sergeant states *“I have expressed my disappointment in how the matter was dealt with in that the school should have contacted LADO/police before taking any action against the member of staff.”*

Witness A gave evidence, and explained the possible consequences of Individual X being informed of the allegations. He stated that it deprived the police of Individual X’s immediate reaction upon being made aware of the allegations, and the police’s ability to secure evidence. He stated that unless data is secured very early after

allegations have been made, the possibility of tampering with evidence increases considerably.

Witness B stated that cases involving allegations such as those against Individual X are difficult in terms of managing safeguarding risks with the need to secure evidence in order for the matter to be investigated. Consultation with Witness B before approaching Individual X would have enabled a discussion to take place. Witness B stated that there were options available that might have managed the safeguarding risks, other than the immediate suspension of Individual X. Mr Welsby had said that although this matter had come to light during the school holidays, there were children on site, and suspension was required in order to prevent Individual X having contact with those children. Witness B had no recollection of being informed that children may be present at the school during the holidays, but this was a factor that could have featured in their discussion regarding next steps.

The panel found that Mr Welsby had informed Individual X of the allegations before consulting with Witness B. This was inappropriate, since it deprived of the opportunity to consult with him about appropriate next steps to afford appropriate safeguarding protection to both Pupil A, and potentially other pupils. It potentially had consequences for the investigation by the police of the matter.

The panel found this allegation proven.

**c. Suggested and/or agreed to delay the reporting of the disclosure/allegation;**

*The transcript of the meeting with Individual X shows that Mr Welsby asked Individual D “Can we procrastinate?” Individual D responded, “I’ll have to contact [Witness B], because the Victims want to know what [Witness B] has said to me. What we can do, what I can do is send an email rather than a telephone call, just asking [Witness B] to contact me because I need some advice, which I do, so that I can tell the Victims at half past four and tell them that I have contacted [Witness B], and that I am waiting for them to get back to me.”*

Mr Welsby admitted the allegation. He stated that he had needed time to assimilate what had happened. He stated that he had wanted to discuss the matter with Individual D. He stated that he had not been seeking to delay the reporting of the matter. In his witness statement, Mr Welsby stated that he had showed sensitivity towards Individual X with the aim of encouraging him to divulge information. He commented that his objective had been achieved, and that what had been said to Individual X did not reflect his intention.

After the meeting, Individual D's actions accorded with those she had proposed. She emailed Witness B seeking advice, rather than informing Witness B of the allegations.

The panel found that Mr Welsby had suggested delaying the reporting of the allegation and this was inappropriate given his duties referred to in 'KCSIE'.

The panel found this allegation proven.

**d. Suggested and/or agreed not to report the disclosure/allegation if Pupil A's parents did not wish to do so;**

The transcript of the meeting held with Individual X records that Individual D stated "*...I can tell the victims at half past four and tell them that I have contacted [Witness B], and that I am waiting for them to get back to me. If they are insistent that it goes ahead, then it has to go ahead, if though what they say, if we feel that there is any manoeuvre or any way not to take it further, we ourselves don't want to take it further.*"

Mr Welsby did not object to this course of action. There is evidence that he was complicit in the proposal. He said during the meeting to Individual X "*Is there anything to be gained by you seeing her parents.*" and "*if they are happy to meet with you could you get back here today?*"

Mr Welsby admitted this allegation, and stated that the matters that had been discussed with Individual X were not going to be acted upon, and contact had been made with the Witness B prior to Mr Welsby and Individual D meeting Pupil A's parents. As referred to above, that email sought advice only and did not make the Witness B aware of the urgency of the matter, nor that allegations had been made.

The transcript of the recording indicates Individual D had suggested not to report the disclosure/allegation if Pupil A's parents did not wish to do so. Mr Welsby did not object to this course of action, and asked questions that were consistent with the proposal. The panel found this inappropriate. Mr Welsby had the safeguarding obligation to report, and this duty exists regardless of whether a parent does or does not want the matter to be considered further.

The panel found this allegation proven.

**e. Did not ensure that the instructions given by police with regards to the retention of potential evidence were carried out promptly and/or properly;**

Mr Welsby denied this allegation. He stated that on 25 July, a [REDACTED] had asked him to secure Individual X's school computer pending collection that afternoon

or before Friday of that week. He stated that he did so by moving the computer initially to a store room to which only two persons had access.

The police log shows that Witness A spoke with Mr Welsby who confirmed that the computer used by Individual X had been secured in a locked cupboard. The note records that Witness A requested that the email account be locked down by the School's IT department so that access could not be gained. Witness A gave evidence that his first contact with Mr Welsby was on 25 July 2018 when "*he requested that he secured the work computer and work email (including remote access) of [Individual X's] school account.... I explained to him that this must be done in order to secure and preserve evidence.*"

Mr Welsby gave evidence that immediately upon this request, he made contact with Witness C who is the [REDACTED] to ensure that Individual X would be denied access.

Witness C gave evidence that Mr Welsby had made contact with him and he had initially changed Individual X's password, and upon learning that the matter was a serious one, ensured that Individual X's account was locked.

Mr Welsby was later concerned about the safety aspects of where the computer was stored since the store room was used to store chemicals. He therefore moved the computer to the physics laboratory to which access was also limited.

Mr Welsby accepted that before the school term began, he had a discussion with Witness C. As a result of Witness C informing him that as the school's systems were cloud-based, and that there would be nothing stored on the computer itself, Mr Welsby agreed that the hard drive of the computer could be removed, stored in a safe and the remainder of the computer could be repurposed with a new hard drive.

The panel considered that it did not matter whether information was stored in the cloud or not, nor did it matter whether the police had collected the computer swiftly or not. Mr Welsby did not know what the police required the computer for, and having been instructed to secure it, he should have continued to adhere to that instruction. There is no evidence of Mr Welsby having made any enquiry with the police whether the hard drive would be sufficient. This would have been a prudent course of action to take before agreeing to any action that affected the integrity of the computer.

Witness A gave evidence that unless actions taken with regard to evidence are properly recorded, this gives rise to the potential of a defendant suggesting that the chain of evidence has not been maintained and that the evidence is unreliable.

The panel considered that Mr Welsby had acted inappropriately, in that he risked the possibility of interfering with evidence of criminal offences.

The panel found this allegation proven.

**f. Did not provide evidence of admissions which had been made to him by Individual X on or around 24 July 2018, until 4 September 2018;**

During the meeting with Individual X various admissions were made. He confirmed when the communications with Pupil A had started; that he had originally used his school email account; that the relationship had started with him giving extra help to Pupil A; that he hoped that one day he and Pupil A could be together; and that he loved her. Mr Welsby was present whilst all of these admissions were made.

Mr Welsby admitted that the recording made at the meeting was given to the police on 4 September 2018. He stated that the recording had not been made for the purpose of gathering evidence, but was made as a personal record of the conversation with Individual X. Mr Welsby's written statement stated that the meeting was recorded in order to ensure that Individual X could not deny any part of the conversation at a later date. In oral evidence, Mr Welsby stated that he had been in the habit of recording many such meetings since [REDACTED] made it difficult for him to recall recent events, conversations and details. During his oral evidence Mr Welsby initially stated that no admissions of a serious nature were made during the interview and that he had not perceived that there was anything stated that was of any use to the police. Later in oral evidence Mr Welsby conceded that Individual X's admission that he was in love with Pupil A was an admission of a serious nature.

Witness A gave evidence that he had received information in passing as part of liaison with [REDACTED] which indicated that Individual X had made admissions about his conduct to Mr Welsby and Individual D. He stated that [REDACTED] had been informed of this by Pupil A's family. He stated that, on 4 September 2018, he spoke with Mr Welsby and asked what Individual X had said at the meeting. Mr Welsby told him that Individual X had said that he was in love with Pupil A and was in a relationship that he hoped to continue. Mr Welsby offered him a copy of the recording of the meeting. It is therefore clear that Mr Welsby had not informed the police of the admissions and that they only came to the attention of the police on 4 September 2018.

Paragraph 23 of 'Working Together to Safeguard Children' states that "*effective sharing of information between practitioners and local organisations and agencies is essential for early identification of need, assessment and service provision to keep children safe.*" Paragraph 24 states that "*Practitioners should be proactive in sharing information as early as possible to help identify and respond to risks or concerns about the safety and welfare of children...Practitioners should be alert to sharing important information about any adults with whom that child has contact, which may*

*impact the child's safety or welfare."* To ensure effective safeguarding arrangements, paragraph 26 states "*all practitioners should not assume that someone else will pass on information that they think may be critical to keeping a child safe. If a practitioner has concerns about a child's welfare and considers that they may be a child in need or that the child has suffered or is likely to suffer significant harm, then they should share the information with local authority children's social care and/or the police.*"

In failing to inform the police of the admissions, Mr Welsby disregarded his obligation to be proactive in the sharing of information and thereby failed to ensure appropriate action was taken. It was plain from the nature of the admissions that there was an ongoing risk to Pupil A's welfare and that Mr Welsby failed to have due regard to this.

This allegation is found proven.

**2. One or more of his actions and/or omissions as set out at 1 above had the potential to compromise investigations by the police and/or Local Authority in relation to the conduct of Individual X.**

Mr Welsby admitted this allegation. It was apparent to the panel that his actions potentially could have led to Individual X putting pressure on Pupil A not to assist with any police and/or local authority investigation, that it could have led to Individual X avoiding arrest, as well as giving the opportunity of destroying evidence that he had in his possession.

The panel found this allegation proven.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document 'Teacher Misconduct: The Prohibition of Teachers', which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Welsby in relation to the facts found proved, involved breaches of the 'Teachers' Standards'. The panel considered that, by reference to Part 2, Mr Welsby 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...

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Welsby, in relation to the facts found proved, involved breaches of 'KCSIE' as referred to above.

The panel was also satisfied that the conduct of Mr Welsby in relation to the facts found proved, involved breaches of 'Working Together to Safeguard Children' as referred to above.

The panel was satisfied that the conduct of Mr Welsby fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Welsby's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences were relevant. The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". In this case, failing promptly to report serious allegations against a teacher at the school; notifying the alleged perpetrator of the allegations; suggesting that reporting might be delayed or that the actions might not be reported at all; failing to preserve evidence in the manner instructed by the police; and failing to share important information with the police all signified that Mr Welsby failed in his duties to safeguard and promote the welfare of children. Mr Welsby gave oral evidence that in meeting with Individual X he acted on what he believed to be the best interests of the school, and without knowledge of the full facts, the best interests of an employee. He later accepted that Pupil A ought to have been his first priority and that he had misjudged the situation completely. Mr Welsby failed to ensure that his approach was child centred, and he failed to act in the best interests of the child concerned.

Accordingly, the panel was satisfied that Mr Welsby was guilty of unacceptable professional conduct.

The panel went on to consider the issue of whether Mr Welsby was guilty of conduct that may bring the profession in to disrepute. The panel took into account the way the



teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Mr Welsby's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. As referred to above, the panel found that none of these offences was relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". As principal, Mr Welsby had the relevant training to be aware of his responsibilities and duties with regard to safeguarding. Children are entrusted to the care of a professional in Mr Welsby's position and failing to adhere to his responsibilities and duties has an impact on the way the profession is viewed by others.

The panel considered that Mr Welsby's conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Mr Welsby's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 2 proved, the panel further found that Mr Welsby's conduct amounted 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 and conduct that may bring the profession into disrepute, 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Welsby and whether a prohibition order is necessary and proportionate. 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 the following to be relevant in this case, namely, the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings that Mr Welsby breached his safeguarding obligations. The panel were told that the school at which Mr Welsby is principal and co-proprietor is one that produces education for pupils with high functioning characteristics. A high percentage of pupils attending the school are known to the child and adolescent mental health services (CAMHS) and have special educational needs including dyspraxia, anxiety, autism and dysmorphia. In those circumstances, the panel would have expected Mr Welsby to have a heightened awareness of safeguarding requirements.

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

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

Whilst there is evidence of Mr Welsby's long service and unblemished record in the teaching profession, in the circumstances of this case, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Welsby in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and posed a serious safeguarding risk.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

failure to act on evidence that indicated a child's welfare may have been at risk, eg, failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;

failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);

a deep-seated attitude that leads to harmful behaviour; and

collusion or concealment including: ... failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions; encouraging others to break rules....

With regard to the issue of whether Mr Welsby exhibited a deep seated attitude, the panel noted that Mr Welsby, during this hearing, continued in his belief that no admissions of a serious nature had been made by Individual X during their meeting, and only accepted this when strongly challenged by the panel. This was despite Individual X stating that he loved Pupil A which should have signified that the welfare of Pupil A was at risk. He admitted that, at the time, his immediate response was "*I don't believe a b... word of it.*" He also stated that he still questions Pupil A's parent's motives in reporting the matter to the school. The panel considered that Mr Welsby had a deep seated attitude that prejudiced his ability to be open-minded as to whether the allegations were true.

With regard to the issue of collusion or concealment, the panel had particularly in mind Mr Welsby's behaviours in suggesting to delay the reporting of the allegation, colluding with Individual D regarding the suggestion not to report the allegation if Pupil A's parents did not wish to do so and suggesting that Individual X meet with Pupil A's parents.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

Although the allegations may have shocked Mr Welsby, he immediately sought to arrange a meeting with Individual X, rather than taking stock of the situation. He had a period of approximately two hours before the meeting with Individual X to reflect upon whether the meeting should take place, but proceeded nevertheless. Mr Welsby confirmed he had completed safeguarding training and there was sufficient time to have checked the provisions of 'KCSIE' and 'Working Together to Safeguard Children' to understand what his obligations were, if this was a novel situation for

him. Instead, Mr Welsby chose to instigate the meeting with Individual X, thus potentially alerting him to a concern. Mr Welsby then attended the meeting in which he informed Individual X of the allegations, made a suggestion to delay the reporting of the allegation and colluded with Individual D as to whether or not to report the allegation at all. Once the meeting had concluded in which Individual X had made various admissions, Mr Welsby had the further opportunity to consider what he should do with that information. Instead of acting in accordance with his obligations to share such information with the police, he failed to do so for a number of weeks. The panel therefore considered Mr Welsby's actions to have been deliberate.

There was no evidence to suggest that Mr Welsby was acting under extreme duress, e.g., a physical threat or significant intimidation. Whilst the allegations may have been shocking to him initially, he continued to behave in a way that was incompatible with his obligations for a number of weeks in failing to inform the police of the admissions Individual X had made. Mr Welsby's continued to steadfastly fail to recognise the input of other agencies, by overriding the instruction he had been given by the police with his own view of what evidence would be required.

Mr Welsby has a previously good history, having taught since 1967 and continuing to teach now to cover absences within the school at short notice. He continues to describe himself as principal of the school and is a co-proprietor. He has contributed significantly to the education sector through his many years of teaching and spoke passionately about the achievements of pupils he has taught. No doubt there will be many achievements through a career of this duration, but there is no specific evidence of having demonstrated exceptionally high standards in both his personal and professional conduct.

The panel has seen references from two colleagues and a friend, all of whom were aware of the allegations against Mr Welsby.

The first referee has worked closely with Mr Welsby in addressing the special educational needs of pupils admitted to the school. She stated that this has included liaison with parents, external agencies and the local authority. She stated that Mr Welsby consistently acts with honesty and integrity, and that when stepping in to cover classes, he is a committed teacher.

The second colleague is a [REDACTED] who started to work for the school as a driver. He stated that he has known Mr Welsby for over 10 years. Over that time, Mr Welsby has had to share details of pupils and their needs to ensure their safety and wellbeing. He stated that Mr Welsby has always listened and acted immediately to address any concerns or issues. He stated that Mr Welsby cares about his staff and his pupils.

The third referee stated that Mr Welsby mentored him to continue to study to become [REDACTED], and he described that Mr Welsby encouraged him through his passion, ability and teaching skills. He described Mr Welsby as an honourable man, high in personal values, honest, hardworking and compassionate. He stated that Mr Welsby is one of the most inspirational and driven educators that he has had the pleasure of knowing.

Mr Welsby stated that he would be distraught to think that he failed or let down any child, or that a parent had lost their trust in him, the profession or the school. He stated that he believed that through the whole investigation they supported the pupil and helped her to achieve good examination grades despite the difficulties of the situation with which she was dealing. He stated that they had, at times, had a difficult association with a parent of Pupil A and that this had been a serious cause of concern to him at the outset of his actions. He described the four and half year delay in this matter being concluded as having caused considerable [REDACTED], his colleagues and pupils and the impact of an emergency external safeguarding inspection. He stated that he was *"sorry it's come to this"*. However, the panel formed the view that Mr Welsby had not demonstrated genuine regret for the impact on others.

The panel was concerned by Mr Welsby's failure to recognise in his evidence that there were serious admissions during his meeting with Individual X that caused concern regarding Pupil A's welfare. Only when strongly challenged by the panel regarding this did Mr Welsby appreciate the gravity of those admissions. He continued to deny allegation 1e, and persisted with his belief that there could be no evidence stored on the computer that could have been useful to a police investigation. At times whilst giving evidence, Mr Welsby exhibited ongoing irritation regarding actions or perceived inaction on the part of agencies that he ought to have been working co-operatively with.

At the outset of the hearing, Mr Welsby denied that his actions amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute. He only accepted this during the course of his evidence. Mr Welsby sought to excuse his actions by stating that he believed he had been acting in the interests of the school and, secondly, his employee. It was only when challenged further, that Mr Welsby accepted that the safeguarding of the pupil ought to have been his priority. Furthermore, Mr Welsby sought to excuse his actions on the basis that he had not believed the allegations as a result of his previous dealings with Pupil A's parents, although he accepted during the course of his evidence that he had been wrong in this respect.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Welsby 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 Welsby. His ongoing lack of appreciation for his safeguarding duties; lack of recognition of the contribution that other agencies make and his failure to put a child first was a significant factor in forming that opinion. 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 for it to decide to recommend a review period of the order. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period or a longer period before a review is considered appropriate. Whilst this case does not involve any of the matters listed, the panel noted that neither list is exhaustive.

In this case, the panel was not satisfied that Mr Welsby had demonstrated empathy with the perspective of Pupil A and the panel was concerned by Mr Welsby's dogged determination that his view was the right one. This led to concerns regarding the risk of repetition. The panel decided that the findings indicated a situation in which a review period would not be appropriate. The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period. The panel did not consider that there was anything to be gained by a period in which he might obtain additional training or have further reflection. Mr Welsby's safeguarding training had been up to date and he had many years of experience upon which to draw. Mr Welsby has already had a period of time to reflect, but this has not provided any assurance regarding the risk of repetition.

## 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 of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Welsby 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 was satisfied that the conduct of Mr Welsby in relation to the fact found proven, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and involved breaches of Working Together to Safeguard Children.

The panel finds that the conduct of Mr Welsby fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of "failing promptly to report serious allegations against a teacher at the school; notifying the alleged perpetrator of the allegations; suggesting that reporting might be delayed or that the actions might not be reported at all; failing to preserve evidence in the manner instructed by the police; and failing to share important information with the

police all signified that Mr Welsby failed in his duties to safeguard and promote the welfare of children.”

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 published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 Welsby, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings that Mr Welsby breached his safeguarding obligations. The panel were told that the school at which Mr Welsby is principal and co-proprietor is one that produces education for pupils with high functioning characteristics. A high percentage of pupils attending the school are known to the child and adolescent mental health services (CAMHS) and have special educational needs including dyspraxia, anxiety, autism and dysmorphia. In those circumstances, the panel would have expected Mr Welsby to have a heightened awareness of safeguarding requirements.” 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 Welsby stated that he would be distraught to think that he failed or let down any child, or that a parent had lost their trust in him, the profession or the school. He stated that he believed that through the whole investigation they supported the pupil and helped her to achieve good examination grades despite the difficulties of the situation with which she was dealing. He stated that they had, at times, had a difficult association with a parent of Pupil A and that this had been a serious cause of concern to him at the outset of his actions. He described the four and half year delay in this matter being concluded as having caused considerable [REDACTED], his colleagues and pupils and the impact of an emergency external safeguarding inspection. He stated that he was “*sorry it’s come to this*”. However, the panel formed the view that Mr Welsby had not demonstrated genuine regret for the impact on others.” In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts



at risk the future wellbeing of pupils'. 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Welsby was not treated with the utmost seriousness when regulating the conduct of the profession."

"The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present, as the conduct found against Mr Welsby was outside that which could reasonably be tolerated." I am particularly mindful of the serious findings in this case and the impact that such findings have 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 unacceptable professional conduct, 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 Welsby and the panel comment "Mr Welsby has a previously good history, having taught since 1967 and continuing to teach now to cover absences within the school at short notice. He continues to describe himself as principal of the school and is a co-proprietor. He has contributed significantly to the education sector through his many years of teaching and spoke passionately about the achievements of pupils he has taught. No doubt there will be many achievements through a career of this duration, but there is no specific evidence of having demonstrated exceptionally high standards in both his personal and professional conduct."

A prohibition order would prevent Mr Welsby from teaching. A prohibition order 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 was concerned by Mr Welsby's failure to recognise in his evidence that there were serious admissions during his meeting with Individual X that caused concern regarding Pupil A's welfare.

Only when strongly challenged by the panel regarding this did Mr Welsby appreciate the gravity of those admissions. He continued to deny allegation 1e, and persisted with his belief that there could be no evidence stored on the computer that could have been useful to a police investigation. At times whilst giving evidence, Mr Welsby exhibited ongoing irritation regarding actions or perceived inaction on the part of agencies that he ought to have been working co-operatively with.”

I have also placed considerable weight on the finding of the panel that “With regard to the issue of whether Mr Welsby exhibited a deep seated attitude, the panel noted that Mr Welsby, during this hearing, continued in his belief that no admissions of a serious nature had been made by Individual X during their meeting, and only accepted this when strongly challenged by the panel. This was despite Individual X stating that he loved Pupil A which should have signified that the welfare of Pupil A was at risk. He admitted that, at the time, his immediate response was “*I don’t believe a b... word of it.*” He also stated that he still questions Pupil A’s parent’s motives in reporting the matter to the school. The panel considered that Mr Welsby had a deep seated attitude that prejudiced his ability to be open-minded as to whether the allegations were true.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Welsby 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 full 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 “In this case, the panel was not satisfied that Mr Welsby had demonstrated empathy with the perspective of Pupil A and the panel was concerned by Mr Welsby’s dogged determination that his view was the right one. This led to concerns regarding the risk of repetition. The panel decided that the findings indicated a situation in which a review period would not be appropriate. The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period. The panel did not consider that there was anything to be gained by a period in which he might obtain additional training or have further reflection. Mr Welsby’s safeguarding training had been up to date and he had many years of experience upon which to draw. Mr Welsby has already had a period of time to reflect, but this has not provided any assurance regarding the risk of repetition.”

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of full remorse or insight.

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 Welsby 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 Welsby 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 Stephen Welsby has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized initial 'S' and 'B'.

**Decision maker: Sarah Buxcey**

**Date: 8 March 2023**

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