



Teaching
Regulation
Agency

Mr Stephen Olanipekun: Professional conduct panel hearing outcome

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

07 July 2023

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

Teacher: Mr Stephen Olanipekun
Teacher ref number: 1042215
Teacher date of birth: 1 October 1984
TRA reference: 0019032
Date of determination: 7 July 2023
Former employer: Blackfen School for Girls

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 3 to 7 July, to consider the case of Mr Olanipekun.

The panel members were Mrs Shabana Robertson (lay panellist – in the Chair), Mrs Beverley Williams (teacher panellist), and Mr Maurice Smith (lay panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Blake Morgan LLP, solicitors.

The presenting officer for the TRA was Ms Kiera Riddy of Browne Jacobson solicitors.

Mr Olanipekun was present and was represented by Mr Jim Olphert of Mountford Chambers.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Hearing dated 19 April 2023 as amended in the course of the hearing.

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

Whilst employed as a Teacher at Blackfen School for Girls from April 2015:

1. He failed to maintain appropriate professional boundaries with one or more pupils, in that:
 - a. In or around May 2018 he:
 - i. was alone in a room at the school with Pupil A;
 - ii. was alone with Pupil A behind a locked door.
 - b. In or around September 2018 he shared a meal with Pupil A;
 - c. On 4 October 2018 he drove Pupil A in his car;
 - d. In or around September – November 2018 he sent text messages to Pupil B that:
 - i. were inappropriate in nature;
 - ii. included messages sent late at night;
 - iii. included one or more kisses ("x")
 - iv. included swear words;
 - v. shared personal information;
 - vi. were sent at a time when he was suspended by the school whilst they investigated his conduct towards Pupil A;
 - e. He added and/or messaged and/or corresponded with one or more pupils on Snap Chat;
 - f. On or around 28 June 2019 he allowed Pupil C and/or Pupil D to share an Uber with him;
2. He engaged in inappropriate physical contact with one or more pupils, in that:

- a. In or around May 2018 he allowed Pupil A:
 - i. [Redacted]
 - ii. to touch his hair
 - b. On or around 28 June 2019 at the Sixth Form Prom he:
 - i. held Pupil C's hand(s)
 - ii. was pressed together with Pupil C while dancing;
 - iii. allowed Pupil C to lean on him and/or put her head on his shoulder;
 - iv. put his arm around Pupil C;
 - v. placed his hand so that it was touching Pupil C's thigh;
 - vi. put his arm back around Pupil C after it had been removed by another teacher;
 - vii. recommenced dancing with Pupil C after he had been separated by other members of staff.
3. His conduct as may be found proved at Allegation 1(c) was:
- a. despite words of advice on or around May 2018 in respect of his conduct towards Pupil A;
 - b. contrary to an instruction not to transport pupils by car given during Safeguarding Training on or around 1 October 2018.
4. His conduct as may be found proven at Allegation 1(d)(i) to 1(d)(vi), 1(e) and/or 1(f) and 2(b) was despite a Management Instruction Letter on 18 October 2018 concerning his conduct towards pupils;
5. He failed to take appropriate action to ensure that Pupil B was safeguarded in or around September – November 2018 concerning Pupil B's disclosures in relation to her wellbeing; and
6. His conduct as may be found proven at Allegation 1(a) and/or 2(b) was sexually motivated.
7. His conduct as may be found proven at Allegation 1(d)(i) to 1(d)(vi) was notwithstanding that Pupil B was vulnerable.

In or around 15 January 2020, whilst applying for the role of 'Project Manager' at the East London Business Alliance:

8. He provided false and/or misleading information, in particular:
 - a. He stated that his employment at Blackfen School had ended in August 2017 when in fact he had been employed there until approximately August 2019;
 - b. He stated that he had been employed at Company A from September 2017 when in fact he had been employed at Blackfen School;
 - c. His application concealed the fact that he was employed at Blackfen School during the period of his alleged conduct at Allegations (1) and (2).
9. His conduct as may be found proven at 8 above lacked integrity and/or was dishonest.

Mr Olanipekun confirmed in his response to the Notice of Referral form dated 10 May 2023 and his statement to the TRA that the factual particulars of the allegations were partly admitted. During the hearing his representative confirmed that Mr Olanipekun admitted the factual particulars of the following allegations 1(c), 1(d)(i) to 1(d) (vi), 1(e), 1(f), 2(a)(ii), 2(b)(i), 2(b)(iv), 3(a), 3(b), 4, 5, 7, 8(a) to 8(c) and allegation 9. His representative confirmed that Mr Olanipekun admitted that he was, in relation to some of his conduct, guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute. As not all the factual particulars of the allegations are admitted, the case therefore proceeded as a disputed case.

Preliminary applications

Amendment of allegations

The presenting officer made an application to amend the allegations in the following manner as these had been amended previously but some of the numbering of the allegations had not been updated:

1. To amend the date in Allegation 1(b) to change this from May 2018 to September 2018.
2. To refer to allegation 1(c) instead of 1(d) in allegation 3.
3. Allegation 4 should remove reference to 1(e)(i) to 1(e)(v) and replace this with 1(d)(i) to 1(d)(vi) and remove reference to 1(g). Such that the stem of allegation 4 should read as follows:

Your conduct as may be found proven at Allegation 1(d)(i) to 1(d)(vi), 1(e) and/or 1(f) and 2(b) was despite a Management Instruction Letter on 18 October 2018 concerning his conduct towards pupils

4. Allegation 7 similarly should remove 1(e)(i) to 1(e)(vi) and replace this with 1(d)(i) to 1(d)(vi).

The presenting officer submitted these amendments were not prejudicial to Mr Olanipekun. His representative confirmed these amendments were not opposed by Mr Olanipekun.

The legal advisor advised that paragraphs 4.56 of the Teacher Misconduct: Disciplinary Procedures for the Teaching profession ("the Procedures") refers to amendment of the allegations. This provides that, subject to it being deemed to be in the interests of justice, a panel may amend an allegation or the particulars of an allegation at any time prior to making findings of fact. The panel accordingly has a discretion.

The panel considered whether there is any prejudice, or potential prejudice, to Mr Olanipekun as a result of the amendments, were the application to be allowed. The panel considered that the proposed amendments did not alter the substance of the allegations or result in new factual particulars being alleged or render any more serious allegations being pursued. These amendments were not prejudicial to Mr Olanipekun they simply represented a correction in numbering which were necessary as a result of changes to the allegations arising from a previous hearing. The date in allegation 1(b) was approved at a previous hearing in this matter. The amendment application was therefore accepted by the panel.

Previous Case Management Hearing

The presenting officer updated the panel in the course of the hearing that two witnesses that the TRA wishes to rely upon have not re-confirmed they are available to give evidence on the second day of the hearing. It was suggested by the presenting officer that the panel wait until 1pm when it will become clear if both witnesses are not available so that the TRA may make a hearsay application in relation to both witnesses or just one.

The teacher's representative submitted that the panel needs to know the availability of both witnesses before it can make a fair decision on hearsay. It was submitted that a previous panel in this case, has made a hearsay decision in relation to one of these witnesses and Mr Olanipekun's representative is likely to rely on similar submissions in relation to this same witness.

Mr Olanipekun's representative submitted that the panel can take account of the fact that a previous panel has made a decision not to accept a hearsay application in relation to this witness and the panel should be aware of it. The presenting officer said the submissions that Mr Olanipekun's representative may wish to make in relation to a hearsay application

may not be the same as has been made before if both witnesses do not attend to give oral evidence.

The panel is minded to review the previous hearsay decision that was made at the previous case management hearing as it could be relevant, at a later stage, if a further hearsay application is made by the TRA.

Hearsay application

During the second day of the hearing, the presenting officer made an application for two of the TRA's witnesses' evidence to be considered by the panel as hearsay evidence as the TRA has not heard today that either witness is able to attend to provide oral evidence. The panel has had regard to a previous decision made at a case management hearing. The panel accepted that the hearsay decision made, in that hearing, was in different circumstances.

The presenting officer submitted on the TRA's behalf that it did not wish to delay this hearing any further. The presenting officer submitted that one of these witnesses is abroad. The TRA had contacted the Foreign Commonwealth Development Office (which grants permission for witnesses abroad to provide oral evidence) to seek permission for this witness to attend. However, no reason for non-attendance by either witness has been provided to the TRA.

The presenting officer submitted that a statement from one of these witnesses was submitted to the Blacken School ("the School") around the time of the allegations. The witness statements prepared during the TRA proceedings were prepared when working with a legal professional on the TRA's behalf and signed as a statement of truth. It was submitted that it is in the public interest and interests of justice that these witnesses' evidence should be considered. It was submitted that the witness evidence can be tested by the teacher's oral evidence.

The panel took into account that paragraph 4.18 of the Procedures indicates that:

"The panel may admit any evidence, if it is fair to do so, which may reasonably be considered to be relevant to the case."

Hearsay evidence is, therefore, admissible in these proceedings subject to the requirements of relevance and fairness.

The presenting officer submitted that the panel could not determine what weight to attach to this witness evidence if it is not included in the evidence before the panel.

Mr Olanipekun's representative submitted that the two witnesses who are not available and not attended today, go centrally to some of the allegations before the panel. The weight and evidence to be considered must be considered properly. Mr Olanipekun's

representative submitted that before the panel consider weight it must first consider whether it is fair to admit this witness evidence as hearsay evidence.

Mr Olanipekun's representative submitted that neither of the two TRA witnesses has provided a reason for their absence. Mr Olanipekun's representative counselled against the panel automatically admitting the evidence. It was submitted that these two witnesses provided sole and decisive evidence on alleged serious factual particulars and therefore the panel should approach, with real caution, admitting hearsay evidence to prove the allegations. It was submitted that there are no other independent sources of evidence to independently evaluate the reliability of these two witnesses. It was also submitted that it was impossible for the panel to test their evidence and for the teacher to test this.

The panel was persuaded by Mr Olanipekun's representative's submissions. The panel considered it was not fair to admit the two witness statements on behalf of the TRA, as the panel could not test their reliability and credibility in their absence. The panel noted that their evidence was the sole and potentially decisive evidence for allegations 1(a)(i), 1(a)(ii) and 1(b), and there was no other corroborating evidence. The witnesses did not attend of their own volition, and as his representative is unable to test these witnesses' evidence, this would hamper Mr Olanipekun's ability to defend his case. Taking all of the relevant factors into account, the panel determined to reject the hearsay application made by the TRA, by not admitting the witness statements of the two absent witnesses as hearsay.

Half-time submission

Following the outcome of the hearsay application, Mr Olanipekun's representative made a half time submission that the TRA has presented no evidence to support allegations 1(a)(i), 1(a)(ii) and 1(b). It was Mr Olanipekun's representative's view that the remaining evidence relating to these allegations were tenuous and the only evidence of the two absent witnesses are references back to the other documentary evidence of those two individuals which is circular. No other independent witnesses were privy to the facts they are alleged to have witnessed. It was submitted that the [REDACTED] of the School, that gave oral evidence, accepted that he could not give any real or definitive evidence on these matters, as he could only pass on what he was told by others. The [REDACTED] did not have first-hand evidence of the facts alleged under these allegations.

The presenting officer submitted that the panel should look at other evidence in the bundle including the management investigation report and a written summary which, it was submitted, dealt with those allegations. This is documentary evidence that has been agreed and included in the bundle. Therefore, the presenting officer invited the panel to continue to leave these allegations in place so that the panel may proceed to make findings of fact.

The panel considered the documents to which the presenting officer drew the panel's attention were weak and taken at their highest, could not prove the allegations as

suggested by the presenting officer. It was the panel's view that the TRA had not satisfactorily presented sufficient evidence upon which the panel could find allegations 1(a)(i), 1(a)(ii) and 1(b) proven. The panel therefore considered the TRA was unable to prove its case in respect of these allegations and had not discharged the burden of proof.

The panel determined that allegations 1(a)(i), 1(a)(ii) and 1(b) should be discontinued.

Further amendment to allegation 3(a)

The panel also determined, prior to announcing its decision on facts, that allegation 3(a) also should be amended to remove reference to allegation 1(a) as it had been discontinued.

Both the presenting officer and Mr Olanipekun's representative confirmed to the legal advisor outside of the hearing, that this amendment was agreed. It corrects a defect in the allegation, in light of earlier decisions made by the panel and there is no prejudice caused to Mr Olanipekun through the amendment. Mr Olanipekun's representative confirmed that Mr Olanipekun accepts that he received words of advice from the School and the reasons for that advice is immaterial to the substance of the allegation. Therefore the words "at allegation 1(a)" were removed from allegation 3(a).

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 9

Section 2: Notice of Hearing and Response – pages 10 to 44

Section 3: Teaching Regulation Agency witness statements – pages 45 to 67

Section 4: Teaching Regulation Agency documents – pages 68 to 321

Section 5: Teacher documents – pages 322 to 378

In addition, the panel received a copy of the transcript of the hearing on 16 January 2023 which was received in two parts. Part 1 - pages 1 to 39, and part 2 - pages 1 to 30.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the transcript of the previous hearing admitted by the panel.

Witnesses

The panel heard oral evidence from the following called by the presenting officer:

- Witness A –[REDACTED]of the School;
- Witness B – [REDACTED] and [REDACTED] ;

Mr Olanipekun also gave oral evidence and the following gave evidence on his behalf:

- Witness C – a former pupil of the School;
- Witness D – [REDACTED] of Mr Olanipekun.

Decision and reasons

The panel's decision and reasons are as follows:

The panel proceeded to consider the case carefully, having read all of the documents, and reached a decision. It accepted the legal advice provided.

Mr Olanipekun had been employed at the School from April 2015 under a temporary contract for a subject leader of Music role. From 1 September 2015 he was appointed as a temporary faculty leader of the creativity and performance department which was made permanent in January 2016. On 18 October 2018 Mr Olanipekun received a Management Instruction from the School advising him on appropriate boundaries with pupils after giving a pupil a lift home. Shortly after, Mr Olanipekun was suspended from the School whilst the School's [REDACTED] undertook an investigation. A [REDACTED] admitted to the School that she had been texting Mr Olanipekun via his personal mobile number on or around October/November 2018. The School conducted an investigation and Mr Olanipekun received a final written warning in February 2019 about using appropriate communication methods with pupils after he admitted texting a pupil via his personal phone due to his concern for her welfare. Mr Olanipekun was dismissed by the School for gross misconduct on 12 December 2019 after several staff raised concerns about his behaviour towards a pupil during the sixth form prom. Subsequently, Mr Olanipekun applied to work for the East London Business Alliance (ELBA) on 15 January 2020 and he is alleged to have provided inaccurate information relating to this application.

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:

Whilst employed as a Teacher at Blackfen School for Girls from April 2015:

1. You failed to maintain appropriate professional boundaries with one or more pupils, in that:

c) On 4 October 2018 you drove Pupil A in your car;

During Mr Olanipekun's oral evidence, he stated that Pupil A was a [REDACTED]. On this date, at the end of the day there was a music lesson and some pupils had stayed behind to complete work. Pupil A was practising a duet (singing) in a booth with a fellow pupil. The purpose of the session was for Pupil A to go through her song with her [REDACTED] singing different parts in the song, to ensure that her voice sounded good for the recording and to reach the required level for the [REDACTED] standard. About 45 minutes into the session, Pupil A complained that she was not feeling well. Mr Olanipekun originally thought she was tired and lethargic. However, the more she complained the more he thought she was unwell.

Mr Olanipekun further stated in oral evidence that Pupil A asked if he was able to take her home in a kind of "sheepish manner". He declined several times but as she persistently asked he agreed. Pupil A had never asked him to give her a lift before. This happened after the end of the School day.

When questioned by his representative, Mr Olanipekun stated in his oral evidence that he was sitting at the desk and Pupil A was to the side of his desk when she telephoned her [REDACTED] Mr Olanipekun heard her [REDACTED] say to Pupil A that [REDACTED] could not collect her. He heard Pupil A's [REDACTED] say [REDACTED] did not mind Mr Olanipekun taking her home. Pupil A repeated the question to her [REDACTED] again and Mr Olanipekun heard her [REDACTED] say that this was fine.

In his oral evidence, Mr Olanipekun stated that his immediate reaction to this situation was that he did not feel at ease with it even though her [REDACTED] had said yes. However, Mr Olanipekun told the panel he thought Pupil A was ill and was helping her as her [REDACTED] could not pick her up.

The panel noted from Witness A's oral evidence that Witness A was told, during the School's investigation, that Mr Olanipekun had picked up Pupil A in his car from the Shell petrol station that was approximately 200-300 yards away from the School. Mr Olanipekun's oral evidence was that he told Pupil A to meet him at the Shell petrol station, as he knew that giving her a lift was not the right thing to do. It was a way to avoid his action being detected.

Mr Olanipekun admitted this allegation in his written statement which states he was ashamed of his actions. The panel considered that Mr Olanipekun took deliberate action to avoid the School finding out that he had given Pupil A a lift. Further in his oral

evidence, Mr Olanipekun stated that after arriving at Pupil A's home, he sat in his car with her and had a conversation with her. The panel found allegation 1(c) proven.

d) In or around September – November 2018 you sent text messages to Pupil B that:

- i. were inappropriate in nature;**
- ii. included messages sent late at night;**
- iii. included one or more kisses ("x")**

Mr Olanipekun admitted the entirety of allegations 1(d)(i) to 1(d)(vi). Pupil B was not a direct student of his [REDACTED]. The music department was a hub for students, [REDACTED]. Many pupils, including Pupil B, would spend time in the music room. Mr Olanipekun spoke to Pupil B quite often when she visited the music area. Also he knew Pupil B as a result of collaborative activities that the [REDACTED] departments undertook.

In his oral evidence, Mr Olanipekun stated that Pupil B obtained his phone number during a school trip [REDACTED]. The older students were able to walk around a shopping centre during the trip and the staff usually had a School phone which is left with one of the teachers. A group of other students had gone off with the teacher that had the School's phone and so he gave his personal phone number to the other pupils.

Mr Olanipekun explained to the panel his reasons for texting Pupil B. He did not have inappropriate intentions towards Pupil B and he thought he could support her as she was struggling in her [REDACTED] work.

In his texts to Pupil B he communicated as if he were a friend and he inserted an "x" as a kiss on more than one occasion. In his oral evidence Mr Olanipekun understood and accepted that he had blurred the boundaries of the teacher/pupil relationship. He did not see anything untoward in it at the time.

Witness A's oral evidence was that he had seen the copies of text messages included in the bundle between Mr Olanipekun and Pupil B. He found the tone of the messages inappropriate as they were overly familiar and used the language more like pupil to pupil rather than teacher to pupil. He mentioned that the messages were sent late at night. The panel noted some messages were also sent at the weekend.

Witness A also said that there was an "x" at the end of one message and Witness A assumed this was meant to be a kiss. To Witness A this suggested that Mr Olanipekun as the sender, had an informal relationship with Pupil B. The kiss may not, in Witness A's view, suggest anything sexual was going on.

The panel had regard to the messages in the bundle. Mr Olanipekun used inappropriate words such as "thinking of you hun" in one of the messages. Mr Olanipekun's oral evidence was that he was not flirtatious in these messages and was just being friendly.

The panel considered overall that the tone of these messages was overly familiar and was not in line with the appropriate boundaries that a pupil should have with a teacher.

The panel therefore found allegation 1(d)(i) to 1(d)(iii) proven.

iv. included swear words;

Mr Olanipekun admitted this allegation. In his written evidence he said that his use of bad language in texts was due to him being overly familiar with Pupil B and these were not the kind of words he would use in a classroom.

Mr Olanipekun told the panel, in his oral evidence, he was texting Pupil B, whilst suspended, as this was his way of maintaining some connection with the School and a profession he loves. However, he accepted he had been told by the School that whilst suspended he should not communicate with anyone at the School which included staff and pupils. The panel had regard to the messages and noted that Mr Olanipekun used the words "taking the piss" and "bloody" in his messages with Pupil B.

The panel found allegation 1(d)(iv) proven.

v. shared personal information;

Mr Olanipekun admitted this allegation. In his written evidence, Mr Olanipekun accepted that he over shared personal information with Pupil B. He believed that Pupil B had genuine concern for his welfare. He recognised that this was a failure to maintain professional boundaries. The presenting officer submitted that Mr Olanipekun mentioned a [REDACTED] to Pupil B which was inappropriate. The panel judged this was inappropriate.

Therefore, the panel found allegation 1(d)(v) proven.

vi. were sent at a time when you were suspended by the school whilst they investigated your conduct towards Pupil A

It was Witness A's oral evidence that Mr Olanipekun's messages with Pupil B took place at a time when Mr Olanipekun had been suspended by the School. Mr Olanipekun also admitted this allegation.

The panel had regard to an investigation report from the School which indicated that Mr Olanipekun was suspended during 18 October to 6 November 2018 whilst the School

investigated allegations against him in relation to Pupil A. In his oral evidence, Mr Olanipekun stated that he sent these messages to Pupil B whilst he was suspended and he mentioned to her that he was off School. The investigation report reflects that the messages between Pupil B and Mr Olanipekun extended between September and November 2018. The panel found the facts of allegation 1(d)(vi) proven.

Overall, the panel found that all of the facts and the stem of allegations 1(d)(i) to 1(d)(vi) were proven. These were all examples of Mr Olanipekun failing to observe the proper professional boundaries appropriate to a teacher's professional position.

e) You added and/or messaged and/or corresponded with one or more pupils on Snap Chat;

Mr Olanipekun admitted this allegation in his written evidence.

In his oral evidence, Witness A stated that guidance is given to staff about never having direct social media contact with pupils from personal devices.

Mr Olanipekun's oral evidence was that during a school trip to Madrid, the School had an Instagram account that used the faculty address. He had told pupils that this was a way that students could keep in touch with teachers. The students had themselves created a group Snap Chat using the School's music department's email address. It was Mr Olanipekun's evidence that the pupils added him to the Snap Chat account. In his written evidence, he stated that the Snap Chat account was used to communicate instructions.

In his written evidence, Mr Olanipekun stated that he did not chat to pupils on the Snap Chat. However, he understands that this could open up potential safeguarding issues. Mr Olanipekun accepted it was not appropriate to use social media with pupils. He understands that there are other more appropriate ways of communicating with pupils such as via the School email or the School's phone number, to be given out to pupils on trips. The panel noted from Mr Olanipekun's text messages to Pupil B, he asked her to "Snap" him and he suggested he would message her via this method.

The panel accepted that the Snap Chat account was set up to communicate instructions on the Madrid trip. The text messages between Pupil B and Mr Olanipekun indicated that Mr Olanipekun intended to communicate via Snap Chat as he asked Pupil B for her Snap Chat login. The panel considered, on the balance of probabilities, that it was more likely than not that Mr Olanipekun messaged/corresponded with pupils via Snap Chat.

This presents a safeguarding concern as Snap Chat messages can disappear after a short period of time and there is no audit trail of the messages. This means inappropriate private communication can happen between a pupil and a teacher. The panel found allegation 1(e) proven.

f) On or around 28 June 2019 you allowed Pupil C and/or Pupil D to share an Uber with you;

Mr Olanipekun admitted this allegation at the start of the hearing.

It was Witness A's oral evidence that Mr Olanipekun had allowed pupils to share a cab with him after the School's prom. It was Witness A's evidence that Mr Olanipekun had been told via the School Management Instruction of 18 October 2018 and safeguarding training, that staff should never be alone with a pupil in a car, whether the teacher was driving or present in the car.

Witness B's oral evidence was that Mr Olanipekun did not leave the prom immediately after it finished and he was outside the venue with the group of students that he had been seen hanging around with at the prom. A member of staff checked how each of the pupils were getting home.

Witness B further stated, in oral evidence, that it was odd to her that Mr Olanipekun had not gone home and was standing with the students. So she encouraged Mr Olanipekun to go home. Witness B left the prom before Mr Olanipekun went home. The panel determined that Witness B did not see Mr Olanipekun leave the prom with any pupils.

In his oral evidence, Mr Olanipekun stated that he booked three uber cars. Two cancelled on him. When his uber did arrive, Mr Olanipekun agreed to Pupil D's request that he and Pupil C could share the uber with him. The reason Mr Olanipekun agreed to this was because Pupil C had been "scared" by a group of individuals who were loitering in a car park and were shouting out to Pupil C and Pupil D. The panel noted there was no other corroboration of this.

In his written evidence, Mr Olanipekun justified his actions by stating that he sat in the front and he did not get out of the uber when Pupil C and Pupil D were dropped off.

The presenting officer submitted that by his conduct, Mr Olanipekun did not heed the advice from safeguarding training and the previous warnings and disciplinary action he had received from the School. The panel found allegation 1(f) proven.

The panel considered that all of the facts of allegations found proven at 1(c), 1(d)(i) to 1(d)(vi), 1(e) and 1(f) found proven were a failure by Mr Olanipekun to maintain appropriate professional boundaries with Pupil A, Pupil B, Pupil C and Pupil D.

2. You engaged in inappropriate physical contact with one or more pupils, in that:

a. In or around May 2018 you allowed Pupil A:

i. [Redacted]

ii. to touch your hair

Allegation 2(a)(ii) was admitted by Mr Olanipekun at the start of the hearing.

In his oral evidence, Mr Olanipekun stated that after he grew his hair out and as there were not many teachers of his ethnicity in the School, sometimes the pupils would ask to touch his hair. Pupil A asked about his Afro hair. Pupil A touched his hair in front of other pupils in the class and he did not stop Pupil A from doing this.

Mr Olanipekun did not see anything strange about Pupil A's request as it was just pupils being curious and people often ask to pat his hair. He did not want to make a big deal of it and therefore allowed it. He admitted that he let Pupil A and some other pupils, including male pupils, pat his hair.

Further in his oral evidence, Mr Olanipekun says that he was not particularly close with Pupil A or closer with this pupil than other pupils. He knew other GCSE and A-level pupils better.

Mr Olanipekun's oral evidence was that there was nothing flirtatious or sexual when Pupil A touched his hair. Mr Olanipekun accepted, in oral evidence, he should not have let Pupil A touch his hair in order to respect appropriate teacher/pupil boundaries.

The panel considered that allowing a pupil to touch a teacher's hair is an intimate act, thus by Mr Olanipekun allowing this, he engaged in inappropriate physical contact with Pupil A. Allegation 2(a)(ii) was found proven.

2. You engaged in inappropriate physical contact with one or more pupils, in that:

b. On or around 28 June 2019 at the Sixth Form Prom he:

iii. allowed Pupil C to lean on him and/or put her head on his shoulder;

Mr Olanipekun denied this allegation. During the prom, Witness B confirmed she had received a report when in the reception area of the prom venue, from a member of staff who was the [REDACTED] of Pupil C. The [REDACTED] indicated that Pupil C was "draped" around Mr Olanipekun and this member of staff had removed Mr Olanipekun from Pupil C. Mr Olanipekun's oral evidence was that he did not consider Pupil C was "draped" upon him but he accepted that from a distance it might appear that way to another.

Witness B saw that Pupil C was leaning on Mr Olanipekun and it was clear that she was a "bit floppy" and that she had had quite a lot to drink. Witness B did not see Pupil C "draped" over Mr Olanipekun.

In his oral evidence, Witness C stated that at no point did he see Pupil C leaning on Mr Olanipekun and he had no cause for concern over Mr Olanipekun's behaviour towards Pupil C. If it had been inappropriate, it was Witness C's evidence that this would be noticed very readily as the dance floor was such an open and public place.

Mr Olanipekun stated in his oral evidence that the only time that Pupil C leaned on him was when she was bending down to adjust her shoes and when leaning on him, he accepted that her head may have touched his shoulder. The panel determined that Mr Olanipekun did allow Pupil C to lean against him and in this regard allegation 2(b)(iii) was found proven. There was insufficient evidence to prove that Mr Olanipekun had allowed Pupil C to put his head on his shoulder.

iv. put your arm around Pupil C;

Mr Olanipekun admitted this allegation.

During the hearing, Witness B stated that the report she received about Mr Olanipekun from another member of staff prompted Witness B to watch Mr Olanipekun more carefully than she would do normally. She saw that Mr Olanipekun had his arm around Pupil C.

The panel found allegation 2(b)(iv) proven.

vi. put his arm back around Pupil C after it had been removed by another teacher

Witness B's oral evidence was that as other pupils had noticed Mr Olanipekun's arm around Pupil C, they looked towards Witness B as if gesturing her to do something about the situation as this situation made the pupils feel uncomfortable. This prompted Witness B to approach Mr Olanipekun and remove his arm from Pupil C to try to gesture that people were looking at his arm which was on Pupil C. Mr Olanipekun did not say anything and she was not sure that Mr Olanipekun would have even noticed her removing his arm as she was trying to be subtle. However, she did not believe he was trying to be difficult in putting his arm back onto Pupil C.

In his oral evidence, Mr Olanipekun stated that Witness B came behind him and took his arm off Pupil C, to avoid feeling awkward he then swung his arms from side to side to "style it out". The panel considered Mr Olanipekun admitted in his oral evidence that he put his arm back around Pupil C.

The panel found allegation 2(b)(vi) proven.

3. Your conduct as may be found proved at Allegation 1(c) was:

- a. despite words of advice on or around May 2018 in respect of his conduct towards Pupil A;**
- b. contrary to an instruction not to transport pupils by car given during Safeguarding Training on or around 1 October 2018**

When cross examined by the presenting officer, Mr Olanipekun confirmed that he had received verbal advice from a member of staff of the School on or around May 2018 in that he needed to establish appropriate boundaries between himself and Pupil A. He admitted that despite these words of advice, he still pre-arranged to pick up Pupil A from the Shell garage.

He stated in oral evidence that he was aware of the School's policy for taking pupils home. He had breached that policy and the warning provided in safeguarding training, three days earlier, which counselled against members of staff being alone in a car with pupils. Mr Olanipekun understood that the guidance given by the School was to protect pupils and members of staff.

When questioned by the panel, Witness A stated that he was surprised that Mr Olanipekun decided to provide Pupil A with a lift after he received recent safeguarding training during which it was reinforced that staff should never give pupils a lift home.

The panel found allegations 3(a) and 3(b) proven.

5. You failed to take appropriate action to ensure that Pupil B was safeguarded in or around September – November 2018 concerning Pupil B's disclosures in relation to her wellbeing; and

The panel noted the copies of the messages in the bundle between Pupil B and Mr Olanipekun started in September 2018. The investigation report from the School reflects that the messages between Pupil B and Mr Olanipekun extended between September and November 2018.

When cross examined, Mr Olanipekun accepted that Pupil B disclosed information to him which he should have reported to ensure she was safeguarded. He accepts that he did not disclose this information as he knew it was inappropriate to text Pupil B whilst he was suspended. He also knew he would get himself into trouble if he reported the messages.

The panel noted from the content of the messages that Pupil B shared information about how she was feeling and in particular having [REDACTED] at School. There were disclosures relating to her wellbeing that the panel considered Mr Olanipekun should have reported to the safeguarding lead at the School. Pupil B mentioned having [REDACTED] and mentioned issues relating to [REDACTED]. The presenting officer submitted these demonstrated clear wellbeing and safeguarding concerns which should have been reported. Mr Olanipekun admitted this allegation.

The panel found allegation 5 proven.

7. Your conduct as may be found proven at Allegation 1(d)(i) to 1(d)(vi) was notwithstanding that Pupil B was vulnerable.

The allegation was admitted by Mr Olanipekun.

The panel considered that Mr Olanipekun would have been aware of some information that Pupil B was a vulnerable pupil. Mr Olanipekun's oral evidence was that he was aware that [REDACTED] but he did not know the full details of the issues she may be experiencing. He said in oral evidence that the safeguarding lead and a few other staff would know more detail than he would. He was not privy to detailed information about Pupil B but recognised she was vulnerable.

However, he stated in oral evidence that he accepted that he should have acted differently. Mr Olanipekun accepted that Pupil B said in text messages that some of the issues Pupil B raised could have become very serious and exposed her to danger and he could not live with this if his unprofessional behaviour had exposed Pupil B to harm.

The panel considered that texting any pupil was against School policy and safeguarding training, which was supported by the oral evidence of Witness A. Therefore, notwithstanding Pupil B being a vulnerable student, Mr Olanipekun's texting Pupil B and using unprofessional and overly familiar language was inappropriate.

Allegation 7 was found proven.

In or around 15 January 2020, whilst applying for the role of 'Project Manager' at the East London Business Alliance:

8. You provided false and/or misleading information, in particular:

- a. You stated that your employment at Blackfen School had ended in August 2017 when in fact you had been employed there until approximately August 2019;**
- b. You stated that you had been employed at Company A from September 2017 when in fact you had been employed at Blackfen School;**
- c. Your application concealed the fact that you were employed at Blackfen School during the period of your alleged conduct at Allegations (1) and (2)**

Mr Olanipekun admitted allegations 8(a), 8(b) and 8(c).

In his oral evidence, Mr Olanipekun stated that he had been applying for work outside of teaching as he assumed he would not be allowed to teach again and he was lacking all confidence in his abilities as a teacher. He applied for roles related to education but not teaching.

The panel had regard to the letter from the local authority designated officer to Mr Olanipekun on 04 July 2019 which confirmed that the record of the substantiated outcome regarding the reasons for his dismissal for gross misconduct would be mentioned in any employment references he requests in the future.

The referral to the TRA from the ELBA stated that it received an anonymous allegation about Mr Olanipekun's conduct in a previous role which was then reported to, and was investigated by, the [REDACTED]. It was found that Mr Olanipekun had falsified his application and CV as he did not mention that he had been dismissed from his previous employment as a teacher due to misconduct. Mr Olanipekun admitted the deception and he was subsequently dismissed.

The presenting officer submitted that Mr Olanipekun's friend provided a false reference and employment history for him. The panel noted that Mr Olanipekun's CV submitted to the ELBA stated that he worked at the School from 2015 to August 2017 which is incorrect. His CV also states that he worked as a project co-ordinator at a company from August 2017 which is also incorrect. Therefore, Mr Olanipekun did not indicate on his CV that he worked at the School between 2017 and 2019 which is the time period of the allegations.

When questioned by his representative, Mr Olanipekun stated that he felt terrible for having included false details on his CV and that the ELBA had to find another employee to replace him.

It was clear to the panel that Mr Olanipekun put false and misleading information into his CV and this was an elaborate deception, whereby he asked a friend to also provide misleading information. The panel found allegation 8 in its entirety proven.

9. Your conduct as may be found proven at 8 above lacked integrity and/or was dishonest.

Dishonesty

The panel applied the legal test for dishonesty, as laid down by the Supreme Court in *Ivey v Genting Casinos* [2017]. The panel first considered Mr Olanipekun's actual state of knowledge or belief as to the facts at the time of the conduct and then considered whether the conduct would be regarded as dishonest by the objective standards of ordinary decent people.

The panel understood that the role that Mr Olanipekun was applying for was outside of a teaching/classroom role.

The panel recognised that there was no requirement that Mr Olanipekun must have appreciated at the time that his conduct was dishonest by those objective standards. The panel considered that Mr Olanipekun was well aware, subjectively, that he should not have inserted inaccurate details into his application to the ELBA. He lied and provided deliberately false and misleading information about having a role with a fictitious company and he deliberately concealed the reason he left the School. He confirmed this in his oral evidence. By the objective standards of ordinary decent people, a teacher should not include false employment details to a prospective employer in order to obtain a job. The panel therefore found Mr Olanipekun acted dishonestly in relation to the conduct found proven under allegation 8. Allegation 9 is therefore found proven in relation to dishonesty.

Integrity

As regards lack of integrity, the panel took account of the decision of the Court of Appeal in *Wingate v SRA; SRA v Mallins* [2018] EWCA Civ 366. It recognised that integrity denotes adherence to the standards of the profession. The panel therefore considered whether, by his actions, Mr Olanipekun failed to adhere to those standards.

Mr Olanipekun admitted that when applying to the ELBA that including false information in his application and CV details, lacked integrity. The panel agreed, honesty and integrity are fundamental tenets of the teaching profession and Mr Olanipekun fell below these standards.

Allegation 9 was also proven in relation to lack of integrity.

The panel found the following particulars of the allegations against you not proved, for these reasons:

Whilst employed as a Teacher at Blackfen School for Girls from April 2015:

1. You failed to maintain appropriate professional boundaries with one or more pupils, in that:

a. In or around May 2018 you;

- i. were alone in a room at the school with Pupil A;**
- ii. were alone with Pupil A behind a locked door;**

b. In or around September 2018 you shared a meal with Pupil A;

Allegations 1(a)(i), 1(a)(ii) and 1(b) were discontinued in the course of this hearing and accordingly no findings are made in relation to these.

2. You engaged in inappropriate physical contact with one or more pupils, in that:

b. On or around 28 June 2019 at the Sixth Form Prom you:

i. held Pupil C's hand(s)

The panel heard oral evidence from Witness B who was at the Sixth Form prom. When Witness B was at the prom she witnessed Mr Olanipekun holding onto Pupil C's hands dancing but this was not like an intimate couple holding hands, it was just general dancing. There was nothing sexual or anything like that between Mr Olanipekun and Pupil C.

Mr Olanipekun admitted this allegation and that Pupil C held his hands. In his oral evidence, Mr Olanipekun said that both he and Pupil C had their hands raised above their head when dancing and they were stepping side to side. There were other pupils in the group when he was dancing with Pupil C. The panel was content that there was sufficient evidence that Mr Olanipekun held onto Pupil C's hands when dancing but that this was not inappropriate. Therefore, this did not amount to engaging in inappropriate physical contact with pupils. Allegation 2(b)(i) was therefore found not proven.

ii. were pressed together with Pupil C while dancing;

Witness B stated in her oral evidence, that the dance floor at the venue was small and it would be difficult for those dancing together to be dancing far apart or that they would be dancing separately to others.

From the way that Mr Olanipekun and Pupil C were dancing together, they were having fun but they were not dancing inappropriately. Mr Olanipekun and Pupil C were close enough for students to notice their dancing, but he was not so close that they were pressed together.

Witness C's written statement indicated that Mr Olanipekun was not pressed against Pupil C when he was dancing with her.

Mr Olanipekun 's oral evidence was that the closest that Pupil C came to him when dancing, was when she did a twirl. He said they were holding hands but there was a decent amount of distance between them. He said that he and Pupil C were not pressed close together. He accepted under cross-examination that when in a circle at the end of the evening, that all staff and pupils were swaying and dancing together.

On the balance of probabilities, the panel found that the TRA had not discharged the burden of proof. Therefore the panel found allegation 2(b)(ii) not proven.

v. placed your hand so that it was touching Pupil C's thigh;

Witness B further stated in her oral evidence that she saw that Mr Olanipekun had his arm around Pupil C. As he is a tall man his arm was resting on the top of her leg, but he was not "groping" her leg. Allegation 2(b)(v) is denied by Mr Olanipekun.

Mr Olanipekun admitted, in his oral evidence, that he put his arm around Pupil C but that he did not deliberately place his hand on Pupil C's thigh. He accepts it is possible that his hand may have grazed her thigh when his arm went around her shoulder but he did not do so deliberately. To touch her thigh he would have had to have bent down further. The panel was not persuaded on the balance of probabilities, that there was sufficient evidence that Mr Olanipekun had placed his hand on Pupil C's thigh. Taking all of the evidence into account, the panel found 2(b)(v) not proven.

vii. recommenced dancing with Pupil C after you had been separated by other members of staff;

This allegation is denied by Mr Olanipekun. Further in his oral evidence, Mr Olanipekun stated that he remembered another teacher dancing with Pupil C and he did not recognise that he was being separated from Pupil C by this other teacher. It may have been the member of staff's intention to separate him and Pupil C but he did not realise this.

When questioned by his representative, Mr Olanipekun could not deny but also could not remember if Pupil C was following him around that evening at the prom. He stated that he never danced with Pupil C alone, he was always on the dance floor with Pupil C and others. Mr Olanipekun's representative submitted that Witness B had no concerns about Mr Olanipekun's behaviour when dancing.

The panel was not satisfied that this allegation was proved on the balance of probabilities as there was insufficient evidence that Mr Olanipekun was separated from Pupil C by other staff or that this amounted to inappropriate physical contact. The panel found allegation 2(b)(vii) not proven.

4. Your conduct as may be found proven at Allegation 1(d)(i) to 1(d)(vi), 1(e) and/or 1(f), and 2(b) was despite a Management Instruction Letter on 18 October 2018 concerning his conduct towards pupils;

The panel did not find allegations 2(b)(i),(ii), (v) and (vii) proven and therefore these were not considered in relation to allegation 4.

This allegation was admitted by Mr Olanipekun, however, the panel had regard to the Management Instruction Letter in the bundle of 18 October 2018 which referenced an allegation, which the panel has found proved, that Mr Olanipekun had given Pupil A a lift

home and advice in relation to appropriate professional boundaries Pupil A. This is not referenced in allegation 4.

The specific detail of the Management Instruction Letter did not relate to:

- Text messages – allegations 1(d)(i) to 1(d)(vi)
- Social media communication – allegation 1(e)
- Sharing their car with more than one pupil – allegation 1(f)
- Physical contact with pupils at prom – allegation 2(b)

As the Management Instruction Letter did not relate to any of the allegations mentioned in the stem of allegation 4, that the panel had found proven, the panel therefore found this allegation not proven.

6. Your conduct as may be found proven at Allegation 1(a) and/or 2(b) was sexually motivated.

The panel did not consider allegation 1(a) in the context of allegation 6 as it was discontinued in the course of the hearing.

It was the TRA's position that Mr Olanipekun's behaviour towards Pupil C was sexually motivated in terms of him allowing Pupil C to lean on him, press against him and placing his hand on her thigh. This culminated in Mr Olanipekun allowing Pupil C to share an uber with him.

Mr Olanipekun's oral evidence was that his behaviour towards Pupil C during the prom, allegation 2(b), was about being jovial and friendly, and even though he had his arm around her at times, this was not sexually motivated at all.

The panel considered that none of the conduct found proven against Mr Olanipekun was sexually motivated. There was no evidence of sexual intent i.e. in that he was not acting in pursuit of sexual gratification or a future sexual relationship with any pupil, including Pupil C. The panel therefore found allegation 6 not proven.

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

The panel found a number of the allegations proved, namely allegation 1(c), 1(d)(i) to 1(d)(vi), 1(e), 1(f), 2(a)(ii), 2(b)(iii), 2(b)(iv), 2(b)(vi), 3, 5, 7 to 9. 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 Olanipekun in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Olanipekun 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 was satisfied that the conduct of Mr Olanipekun fell significantly short of the standards expected of the profession. The panel noted that, during a period of one year, despite repeated informal and formal warnings, Mr Olanipekun's behaviour continued to breach the standards expected of him as follows:

- On 22 May 2018 he received verbal advice from a colleague about appropriate boundaries between himself and a pupil.
- 18 October 2018 he received a Management Instruction Letter from his [REDACTED] after he took Pupil A home in his car. This letter told him not to be alone with Pupil A and gave appropriate guidance on appropriate boundaries with pupils when in the School's music room.
- 18 October 2018 he was suspended and when suspended Mr Olanipekun was instructed not to have contact with pupils. However it was during this period that he was texting Pupil B.
- On 6 February 2019 – he received a final written warning in relation to texting Pupil B.
- On 28 June 2019 – Mr Olanipekun attended the School's Sixth Form prom, bought pupils some drinks and shared an uber home with two pupils.

The panel also considered whether Mr Olanipekun's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that serious dishonesty was relevant.

The Advice indicates that where behaviours associated with such an offence exist, but the teacher was not convicted of an offence, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that allegations 8 and 9 took place outside of the education setting which have been found proven. Mr Olanipekun's dishonesty and lack of integrity, when he inserted false information into his application to the ELBA, demonstrated behaviour that was inconsistent with being a role model in the teaching profession.

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

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel 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 they behave.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Mr Olanipekun's status as a teacher, potentially damaging the public perception.

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

Having found the facts of the above particulars proved, the panel further found that Mr Olanipekun'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 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 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 Olanipekun, which involved Mr Olanipekun having inappropriate text messages with Pupil B and messaging pupils via Snap Chat, and failing to report safeguarding issues relating to Pupil B as a vulnerable pupil, there was a strong public interest relating to safeguarding and protection of pupils.

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

By the standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of a prohibition order and recognises the high standards expected of all teachers, Mr Olanipekun demonstrated a significant lack of integrity and dishonesty when he inserted false and misleading details into his application to the ELBA, sent Pupil B text messages and included personal details in those messages and did not report safeguarding concerns arising from those messages to the School.

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 Olanipekun was outside that which could reasonably be tolerated.

The panel considered that a prohibition would strike the right balance between the rights of the teacher and the public interest.

The panel also noted that there was a public interest consideration in retaining Mr Olanipekun in the profession, since no doubt had been cast upon his abilities as an educator. Witness C's oral evidence was that Mr Olanipekun provided a teaching style that he was able to engage with, and Witness A indicated to the panel that Mr Olanipekun was very caring towards pupils. The panel noted the numerous character references in the bundle which provided positive recommendations on Mr Olanipekun's ability as an educator.

Notwithstanding the 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 Olanipekun.

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 Olanipekun. 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;
- abuse of position or trust (particularly involving pupils);
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. 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);
- collusion or concealment including:
 - ...
 - lying to prevent the identification of wrongdoing
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests

Even though some of the behaviours 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 Olanipekun's actions were not deliberate. In many instances, as reflected in the findings of fact, Mr Olanipekun admitted his conduct was unacceptable and of his own volition.

There was no evidence to suggest that Mr Olanipekun was acting under duress, and, in fact, the panel found Mr Olanipekun's actions to be deliberate.

Mr Olanipekun did have a previously good history, however the repeated informal and formal warnings and disciplinary sanctions demonstrated that he did not sufficiently understand the personal and professional conduct elements of the Teachers' Standards.

Prior to 2018, Mr Olanipekun had not been subject to disciplinary proceedings. He had taught for a number of years prior to this. However, he received: informal advice; a

Management Instruction Letter; a final written warning; and was dismissed for gross misconduct as a result of his behaviour towards pupils during the 2018 to 2019 period.

Witness B said that Mr Olanipekun was a "lovely man" and that he was passionate about his job and his subject. She never had cause to have concern about him before. Witness C stated in oral evidence that Mr Olanipekun taught in a way that he found helpful and he was a teacher that you could trust and go to if you had problems as a student. Witness D's witness statement indicated that Mr Olanipekun always acted in a professional manner around pupils when he worked with him at the School. He was a dedicated and passionate teacher of music who would often share his passion for music with students and also encourage students to develop their musical skills outside the classroom. Witness D's oral evidence was that Mr Olanipekun helped build the music department up, with 36 students taking GCSE music and participating in international music trips and performances. It was Witness D's view that Mr Olanipekun was a "joy to work with" and was missed in the classroom.

The panel also had regard to a number of written character references which indicated that Mr Olanipekun was a "passionate teacher" and that he had a "natural gift" at building a rapport with pupils and making them feel comfortable. He was a "people person" and he always cared about pupils safety. His general caring nature may have been misconstrued by others. It was suggested in these character statements that Mr Olanipekun's admissions demonstrate his honesty and integrity. Mr Olanipekun's character referees considered that Mr Olanipekun would be a loss to the teaching profession were he not permitted to continue practising as a teacher.

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 Olanipekun of prohibition.

The panel was of the view that prohibition was both proportionate and necessary. The panel decided that the public interest considerations outweighed the interests of Mr Olanipekun. It was a key factor that Mr Olanipekun's repeatedly failed to recognise appropriate boundaries towards pupils and that he did not adhere to continual warnings. This showed a lack of professional judgment. In addition, his dishonest conduct which involved lying to his employer was also an elaborate deception, involving a friend providing a false reference for him.

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. None of these behaviours are relevant.

The Advice indicates that where a case involved any of the following, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. Although dishonesty was found against Mr Olanipekun, the panel determined that he had demonstrated some insight over the inappropriateness of his behaviour both with regard to the lack of professional boundaries with pupils and inserting false information into his application to the ELBA. Therefore, the panel did not consider a longer review period was necessary in this case.

When questioned by his representative, Mr Olanipekun told the panel he believed he had brought himself, the School and his faith into disrepute and he had received a lot of guidance and support from church members which have helped him to reflect. In his written statement, Mr Olanipekun stated he had undertaken further safeguarding training and he had reviewed youth work studies, papers and documents which he had reflected on. He realises now he has to maintain a level of detachment from pupils, when before he erroneously saw himself as their rescuer and supporter.

In his oral evidence, Mr Olanipekun stated that it is more appropriate to follow the rules rather than think that his intentions were well meaning. He stated that if he was in a similar situation he would never say yes if a pupil asked for a lift. If a pupil is unwell he would refer the pupil to the relevant person at the School internally, he would contact the pupil's parents, and if unable to collect the child, then he would contact the person on site, a safeguarding person, rather than try to take things in his own hands. He also accepted he should not communicate on social media with pupils and should not have messaged Pupil B when he was not at School. Mr Olanipekun further expressed remorse for involving a friend in providing a false reference for his application to the ELBA and the impact this had on the ELBA.

It was Mr Olanipekun's further oral evidence that since he had been away from teaching, he understood better now how to create appropriate boundaries with pupils and not form such close relationships with pupils. He feels he can help young people in a way that is professional and keep boundaries appropriate.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 2 years. The panel considered that this would be a sufficient period of time during which Mr Olanipekun could further develop his insight and provide evidence of remediation to a panel that he would not repeat similar behaviour towards pupils or in his job applications. The evidence of Mr Olanipekun's abilities as a teacher persuaded the panel that he will have a lot to offer the teaching profession.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including allegations 1(a)(i), 1(a)(ii), 1(b), 2(b)(ii), 2(b)(v), 2(b)(vii), 4 and 6. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Stephen Olanipekun should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Olanipekun 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 panel was satisfied that the conduct of Mr Olanipekun involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they involve dishonesty, a lack of integrity, and failure to take action to ensure a pupil was safeguarded.

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 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 Olanipekun, 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/safeguard pupils. The panel has observed, “Mr Olanipekun demonstrated a significant lack of integrity and dishonesty when he inserted false and misleading details into his application to the ELBA, sent Pupil B text messages and included personal details in those messages and did not report safeguarding concerns arising from those messages to the School.” 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 are set out as follows, “When questioned by his representative, Mr Olanipekun told the panel he believed he had brought himself, the School and his faith into disrepute and he had received a lot of guidance and support from church members which have helped him to reflect. In his written statement, Mr Olanipekun stated he had undertaken further safeguarding training and he had reviewed youth work studies, papers and documents which he had reflected on. He realises now he has to maintain a level of detachment from pupils, when before he erroneously saw himself as their rescuer and supporter.”

The panel goes on to state that, “Although dishonesty was found against Mr Olanipekun, the panel determined that he had demonstrated some insight over the inappropriateness of his behaviour both with regard to the lack of professional boundaries with pupils and inserting false information into his application to the ELBA.” Further to this it also notes

that “Mr Olanipekun further expressed remorse for involving a friend in providing a false reference for his application to the ELBA and the impact this had on the ELBA.” The panel also records that “It was Mr Olanipekun's further oral evidence that since he had been away from teaching, he understood better now how to create appropriate boundaries with pupils and not form such close relationships with pupils. He feels he can help young people in a way that is professional and keep boundaries appropriate.”

I have placed some weight on the insight demonstrated by Mr Olanipekun which means that, in my judgment, there is a reduced risk of the repetition of this behaviour. However, I have had to balance this against the deliberate and elaborate dishonesty demonstrated in this case and the fact that Mr Olanipekun had received a number of warnings as to his conduct prior to these events.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe “...that public confidence in the profession could be seriously weakened if conduct such as the dishonest conduct found against Mr Olanipekun were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the panel’s finding of dishonesty and the impact 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 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 Olanipekun himself. The panel notes that, “The panel also had regard to a number of written character references which indicated that Mr Olanipekun was a "passionate teacher" and that he had a "natural gift" at building a rapport with pupils and making them feel comfortable. He was a "people person" and he always cared about pupils safety. His general caring nature may have been misconstrued by others. It was suggested in these character statements that Mr Olanipekun's admissions demonstrate his honesty and integrity. Mr Olanipekun's character referees considered that Mr Olanipekun would be a loss to the teaching profession were he not permitted to continue practising as a teacher.” The panel also references a number of other pieces of evidence attesting both to Mr Olanipekun’s abilities as a teacher and general good character.

A prohibition order would prevent Mr Olanipekun 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 Mr Olanipekun's failure to observe boundaries and his dishonest conduct. The panel has said, "It was a key factor that Mr Olanipekun's repeatedly failed to recognise appropriate boundaries towards pupils and that he did not adhere to continual warnings. This showed a lack of professional judgment. In addition, his dishonest conduct which involved lying to his employer was also an elaborate deception, involving a friend providing a false reference for him."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Olanipekun 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 a two year review period. In doing so 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.

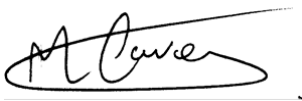
I have considered the panel's comments in recommending a two year review period, "Although dishonesty was found against Mr Olanipekun, the panel determined that he had demonstrated some insight over the inappropriateness of his behaviour both with regard to the lack of professional boundaries with pupils and inserting false information into his application to the ELBA. Therefore, the panel did not consider a longer review period was necessary in this case." The panel also commented that "The panel considered that this (a two year review period) would be a sufficient period of time during which Mr Olanipekun could further develop his insight and provide evidence of remediation to a panel that he would not repeat similar behaviour towards pupils or in his job applications. The evidence of Mr Olanipekun's abilities as a teacher persuaded the panel that he will have a lot to offer the teaching profession."

I have decided that a two year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

This means that Mr Stephen Olanipekun is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 14 July 2025, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Olanipekun remains prohibited from teaching indefinitely.

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

Mr Olanipekun 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 'M. Cavey', enclosed in a thin black rectangular border.

Decision maker: Marc Cavey

Date: 10 July 2023

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