



Teaching
Regulation
Agency

Mr Ryan Sierzega: Professional conduct panel outcome

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

September 2018

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

Teacher: Mr Ryan Sierzega
TRA reference: 15997
Date of determination: 27 September 2018
Former employer: Coleshill Heath School, Birmingham

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 to 27 September 2018 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Ryan Sierzega.

The panel members were Dr Geoffrey Penzer (lay panellist – in the chair), Cllr Gail Goodman (teacher panellist) and Mr Rob Allen (lay panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Ben Chapman of Counsel.

Mr Sierzega was present and was represented by Miss Wendy Hewitt of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 29 May 2018.

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

1. During the 2015/16 academic year, failed to maintain appropriate professional boundaries with Pupil A, including by:
 - a. giving Pupil A his personal number
 - b. communicating with Pupil A via text and / or social media
 - c. sharing details of his personal life with Pupil A
 - d. asking / allowing another pupil to take a photograph of himself and Pupil A on his personal mobile phone
 - e. posting a photograph of himself and Pupil A onto a social media website
 - f. giving Pupil A special attention / treatment, including:
 - i. by spending time with Pupil A 1:1 in his classroom
 - ii. by allowing and/or asking Pupil A to come into school early
 - iii. in terms of his response to Pupil A's poor behaviour
 - g. patting Pupil A on the head when he saw Pupil A in a supermarket
 - h. parking in the vicinity of Pupil A's address on more than one occasion in an attempt to see and / or meet Pupil A outside of school
2. Submitted a statement from an individual described as his partner which he knew or should have known contained false and / or misleading information, given that the identified author of the statement:
 - a. was not residing in the suggested location from February 2016
 - b. was residing outside of the UK during the period in question
3. Demonstrated a lack of integrity and / or were dishonest in that:
 - a. he informed the school the image of Pupil A was taken on a colleague's camera, which was untrue

- b. acted as set out at 2.a. and / or 2.b. above in order to support the explanation he had given for being in the vicinity of Pupil A's home in early 2016

The teacher admits the allegations, save for allegation 1.h. which the teacher accepted in part, and allegation 3.a., where the teacher states he was mistaken.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and key people – pages 2 to 5

Section 2: Notice of Proceedings and response – pages 7 to 14

Section 3: Teaching Regulation Agency witness statements – pages 16 to 36

Section 4: Teaching Regulation Agency documents – pages 38 to 497

Section 5: Teacher documents – pages 499 to 529

In addition, the panel agreed to accept the following:

Signed statement of the headteacher of the school – pages 16 to 21

Investigation interview with AR – pages 123 to 124A

Teacher documents – pages 530 to 551

Statement of Agreed Facts – pages 552 to 557

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

Witnesses

The presenting officer did not call any witnesses.

The teacher gave evidence on his own behalf and called his current headteacher as a witness in mitigation.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Sierzega was employed at Coleshill Heath School from 1 September 2014 as a Key Stage 2 teacher. Mr Sierzega first taught maths to Pupil A in the academic year 2014/2015 when Pupil A was in year 5. In the academic year 2015/2016 Pupil A moved into Year 6 and Mr Sierzega was his class teacher and taught him in all subjects.

It is alleged that Mr Sierzega failed to maintain appropriate professional boundaries with Pupil A and that he was dishonest or lacked integrity in trying to cover up his behaviour, including through providing a statement which purported to be from a third party and which he knew was untrue.

Findings of fact

Our findings of fact are as follows:

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

1. During the 2015/16 academic year, failed to maintain appropriate professional boundaries with Pupil A, including by:

a. giving Pupil A your personal number

The teacher admitted this allegation in the statement of agreed and disputed facts dated 25 September 2018.

The panel had regard to the teacher's evidence that he provided his personal telephone number to three pupils, including Pupil A, that he had taken on a school trip to see a football game. The teacher gave oral evidence that upon arriving at the football ground he was concerned that the pupils needed to be able to contact him if they became separated.

Mr Sierzega confirmed that he did not inform the school about providing his personal number to the three pupils.

The panel found this allegation proven.

b. communicating with Pupil A via text and / or social media

The teacher admitted this allegation in the statement of agreed and disputed facts dated 25 September 2018, clarifying that all of the communication was on social media rather than by text.

The panel had regard to the screenshot evidence provided by Mr Sierzega that Pupil A attempted to message Mr Sierzega on social media and Mr Sierzega blocked these attempts. Mr Sierzega gave oral evidence that on one occasion, he was contacted by Pupil A using a profile in which it was not immediately clear that it was Pupil A. Mr Sierzega confirmed that following the exchange of a few messages he realised it was likely to be Pupil A that was messaging him, but that Mr Sierzega continued the conversation.

Mr Sierzega also accepted that he had a conversation with Pupil A on social media in which he knew he was speaking to Pupil A and that during this conversation he asked Pupil A about a girlfriend that was mentioned on Pupil A's biography.

The panel noted that Mr Sierzega failed to report any of this contact to his line manager or headteacher, and that this was contrary to the school's "Code of Employee Conduct".

The panel found this allegation proven.

c. sharing details of your personal life with Pupil A

The teacher admitted this allegation in the statement of agreed and disputed facts dated 25 September 2018.

Mr Sierzega admitted that he did share information relating to his personal life with his class, including Pupil A. Mr Sierzega stated he gave this information in the context of sharing information with his pupils about how everyone in the class had spent their weekends.

The panel found this allegation proven.

d. asking / allowing another pupil to take a photograph of you and Pupil A on your personal mobile phone

The teacher admitted this allegation in the statement of agreed and disputed facts dated 25 September 2018.

The teacher admitted that he asked and allowed Pupil B to take a picture of himself and Pupil A on his personal mobile phone.

This was supported by the evidence of Pupil A and Pupil B, who both stated that Pupil B took the photograph at the request of Mr Sierzega and used his mobile phone.

The panel saw evidence of the photograph of Mr Sierzega standing next to Pupil A, in which Pupil A was dressed similarly to Mr Sierzega and was wearing a mask with a photograph of Mr Sierzega's face.

The panel found this allegation proven.

e. posting a photograph of yourself and Pupil A onto a social media website

The teacher admitted this allegation in the statement of agreed and disputed of facts dated 25 September 2018.

The teacher confirmed that he uploaded a photograph of himself and Pupil A onto Facebook and Instagram. The teacher gave oral evidence that Pupil A was not identifiable because he was wearing a mask. However when a colleague commented on the photograph online and asked if it was Pupil A, Mr Sierzega replied online and confirmed that it was.

The panel found there was evidence that the photograph, once uploaded online, came to the attention of at least one parent of a child at the school.

The panel found this allegation proven.

f. giving Pupil A special attention / treatment, including:

- i. by spending time with Pupil A 1:1 in your classroom**
- ii. by allowing and/or asking Pupil A to come into school early**
- iii. in terms of your response to Pupil A's poor behaviour**

The teacher admitted all the limbs of this allegation in the statement of agreed and disputed of facts dated 25 September 2018.

Mr Sierzega acknowledged that he was given a management instruction on three separate occasions that Pupil A should not be allowed in his classroom early and that he should not spend 1:1 time with Pupil A. Despite this, Mr Sierzega allowed Pupil A to come into his classroom early on at least one more occasion and Pupil A was alone with him in the classroom on occasion. The panel accepted Mr Sierzega's evidence that he did not specifically ask Pupil A to come to school early, but that this occurred because it was easier for Pupil A's mother to drop him off at this time. Nevertheless Mr Sierzega failed to follow the management instruction not to allow Pupil A into his classroom early.

Mr Sierzega confirmed that Pupil A displayed challenging behaviours at times, and that he did not consistently, or effectively report this behaviour in line with the school's procedures.

The panel found this allegation proven.

g. patting Pupil A on the head when you saw Pupil A in a supermarket

The teacher admitted this allegation in the statement of agreed and disputed facts dated 25 September 2018.

Mr Sierzega acknowledged that patting Pupil A on the head was in breach of the school's Code of Conduct.

The panel went on to note that Pupil A's mother was present at the time and there was no attempt to conceal the behaviour.

The panel found this allegation proven.

h. parking in the vicinity of Pupil A's address on more than one occasion in an attempt to see and / or meet Pupil A outside of school

The teacher admitted this allegation in the statement of agreed and disputed facts dated 25 September 2018.

The teacher gave oral evidence that he had personal reasons to be in the vicinity of Pupil A's home (namely to visit friends and play football in a nearby location). However the teacher went on to confirm that he also hoped to see Pupil A as he felt it would give Pupil A, "a boost".

Pupil A gave written evidence that Mr Sierzega was in the vicinity of his house approximately 20 times and this was accepted by Mr Sierzega in oral evidence.

The panel found this allegation proven.

2. Submitted a statement from an individual described as your partner which you knew or should have known contained false and / or misleading information, given that the identified author of the statement:

a. was not residing in the suggested location from February 2016

b. was residing outside of the UK during the period in question

The teacher admitted this allegation in the statement of agreed and disputed facts dated 25 September 2018.

Mr Sierzega confirmed in oral evidence that he typed a statement, purporting to be from a partner at the time, confirming that she lived in the vicinity of Pupil A and that Mr Sierzega would visit her at her home. Mr Sierzega went on to state that the individual whose name he used was not his girlfriend, and in fact she had moved abroad.

Mr Sierzega admitted that his purported partner was not aware of the statement that he had typed using her name.

The panel found this allegation proven.

3. Demonstrated a lack of integrity and / or were dishonest in that:

a. you informed the school the image of Pupil A was taken on a colleague's camera, which was untrue

The teacher denied this allegation. The teacher stated in oral evidence that at the time he informed the school that the image of Pupil A was taken on a colleague's camera, he genuinely held this belief. Mr Sierzega went on to state that he later became aware that he was mistaken, and acknowledged that the photograph had been taken with his personal phone.

The panel carefully considered the guidance available to Mr Sierzega and considered that he lacked integrity in not being clear in his evidence to the school. In particular, the panel found that Mr Sierzega ought to have known that taking the photograph on his personal phone fell outside the school's policy, and that he should have clearly identified this to the school during their initial investigation.

The panel found this allegation proven.

b. acted as set out at 2.a. and / or 2.b. above in order to support the explanation you had given for being in the vicinity of Pupil A's home in early 2016

The teacher admitted this allegation in the statement of agreed and disputed facts dated 25 September 2018.

The panel considered the test for dishonesty as set by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd.*

The panel therefore first considered the actual state of Mr Sierzega's knowledge or belief as to the facts. The panel went on to consider whether Mr Sierzega's conduct was dishonest, using the standards of ordinary decent people. The panel noted that there is no requirement that Mr Sierzega, himself, must appreciate that what he has done is by those standards, dishonest.

Having found allegations 2.a. and 2.b. proven, the panel found that, applying the test in *Ivey v Genting Casinos (UK) Limited*, Mr Sierzega's actions in providing a witness statement purporting to be from a third party, that he knew was untrue, was dishonest.

The panel therefore found allegation 3.b. proven.

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

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Sierzega in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Sierzega is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

The panel is satisfied that the conduct of Mr Sierzega amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession, in relation to allegations 1.a., 1.b., 1.d., 1.e., 1.f., 1.h., 2. and 3.

The panel has also considered whether Mr Sierzega’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found the offence of serious dishonesty relevant when considering his actions in forging a statement from a third party and providing this to the school and to the TRA as part of these proceedings.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel notes that the allegations 1.b., 1.e., 1.g., and 1.h. took place outside of the education setting. These allegations all related to not maintaining appropriate boundaries with Pupil A. The panel was particularly concerned that Mr Sierzega had continued to park in the vicinity of Pupil A’s home with at least the partial aim of seeing him, despite concerns raised by Pupil A’s mother and an ongoing investigation by the school.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed at allegations 1.a., 1.b., 1.d., 1.e., 1.f., 1.h., 2. and 3. would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

Having found the facts of particulars 1, 2 and 3 proved, we further find that Mr Sierzega's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct 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 thought about whether prohibition was an appropriate and proportionate measure, and whether it was 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 noted 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, declaring and upholding proper standards of conduct and the interest of retaining a good teacher in the profession.

In light of the panel's findings against Mr Sierzega, which involved failing to maintain appropriate boundaries with a pupil and dishonesty, there is a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Sierzega were not treated with the utmost seriousness when regulating the conduct of the profession. The panel's finding of dishonesty is particularly relevant in this context.

The panel recognised that there was a strong public interest in declaring proper standards of conduct in the profession as the conduct found against Mr Sierzega was outside that which could reasonably be tolerated. However, the panel noted that Mr Sierzega expressed his recognition that his actions, though well intentioned, were unacceptable. He stated that he has put in place mechanisms to ensure that he does not repeat them. The panel was satisfied that Mr Sierzega has demonstrated this through communicating with his current headteacher more effectively and openly and that this reduces any risk of a repetition of his unacceptable conduct.

The panel carefully balanced the above public interest considerations with the strong public interest in retaining the teacher in the profession, since no doubt has been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. The panel heard from Mr Sierzega's current headteacher who confirmed that there was no evidence of similar unacceptable behaviour over the previous 18 months of his employment.

In view of the clear public interest considerations that were present, the panel considered carefully whether it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Sierzega.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Sierzega. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up

Even though there were behaviours that could point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order, particularly taking into account the nature and severity of the behaviour in this case.

The panel found that the teacher's actions were deliberate and he was not acting under duress. The panel had regard to the teacher's evidence that he was very inexperienced at the time and made a number of misguided attempts to support Pupil A. Additionally, the panel heard evidence that Mr Sierzega was concerned that he was facing serious accusations about his professional relationship with Pupil A and this led to him creating a false statement from a third party, in support of his version of events.

The teacher did have a previously good history and the panel accepts that since the allegations took place, the teacher has been working in a different school and his conduct there has been described as exemplary by his current headteacher, who attended the hearing and gave oral evidence.

Mr Sierzega's current headteacher stated that Mr Sierzega initially joined her school as a supply teacher, before ultimately being granted a permanent contract. Mr Sierzega initially worked in Year 5 before being promoted to academic lead of that year. She described his lessons as, "well planned, well thought through, and enjoyable" before going on to confirm that she had received feedback during a recent OFSTED inspection in which Mr Sierzega was observed, that the Inspectors were very impressed with him. The panel found there was therefore no question of Mr Sierzega's dedication to teaching, and the quality of his teaching.

However, the panel also noted that Mr Sierzega's current headteacher only became aware of the full extent of the allegations against him during the course of the hearing. In particular, she was not previously aware that Mr Sierzega had written a false statement purporting to be by a third party which he had then provided both to his school and within these proceedings. The panel found this to be relevant to the issue of dishonesty. However, the panel accepted the evidence of Mr Sierzega that he made an extremely poor decision when the allegations were first put to him, and he compounded this serious error in judgement by writing a false statement.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient, in this case, to reflect the serious nature of the allegations found proven, and uphold the public confidence in the profession.

The arguments for and against recommending prohibition in this case are very finely balanced.

In applying the standard of the ordinary intelligent citizen, the panel has determined that recommending no prohibition order is a proportionate and appropriate response. The panel carefully considered the nature and severity of the behaviour in this case, and noted that whilst there were factors present which merited a recommendation for prohibition, there were also significant factors in favour of the teacher continuing in the profession. The panel placed particular weight on the evidence of Mr Sierzega's current headteacher, who gave compelling evidence that Mr Sierzega was able to make a significant and valuable contribution to her school and the profession, in the full knowledge of these allegations and Mr Sierzega's admissions. The panel was impressed by the current headteacher's commitment to her school and did not feel she would make these statements lightly.

The panel has determined that a recommendation for a prohibition order will not be appropriate in this case, despite the finding of dishonesty, which the panel accepted was serious. However, having weighed all of the evidence, the panel considers that the publication of the adverse findings it has made is sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the 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 sanction.

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

In this case, the panel has found all of the allegations proven and in particular found that the conduct of Mr Sierzega amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession in relation to allegations 1.a., 1.b., 1.d., 1.e., 1.f., 1.h., 2. and 3.

The panel has made a recommendation to the Secretary of State that Mr Sierzega should not be subject to a prohibition order, but that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published.

The panel has found that Mr Sierzega 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 findings of misconduct are particularly serious as they include a finding of dishonesty.

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 or not 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 Sierzega, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “the allegations all related to not maintaining appropriate boundaries with Pupil A. The panel was particularly concerned that Mr Sierzega had continued to park in the vicinity of Pupil A’s home with at least the partial aim of seeing him, despite concerns raised by Pupil A’s mother and an ongoing investigation by the school.”

A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “Mr Sierzega expressed his recognition that his actions, though well intentioned, were unacceptable. He stated that he has put in place mechanisms to ensure that he does not repeat them. The panel was satisfied that Mr Sierzega has demonstrated this through communicating with his current headteacher more effectively and openly and that this reduces any risk of a repetition of his unacceptable conduct.” 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 conduct displayed at allegations 1.a., 1.b., 1.d., 1.e., 1.f., 1.h., 2. and 3. would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.” I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public 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 Sierzega himself. He has subsequently secured work teaching and the panel comment that it has “placed particular weight on the evidence of Mr Sierzega’s current headteacher, who gave compelling evidence that Mr Sierzega was able to make a significant and valuable contribution to her school and the profession, in the full knowledge of these allegations and Mr Sierzega’s admissions. The panel was impressed by the current headteacher’s commitment to her school and did not feel she would make these statements lightly.”

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

I have given considerable weight to the contribution that Mr Sierzega has made and is making to the profession. In my view it is not necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision backed up by remorse or insight does in this case satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is not proportionate and not in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

The panel comment that this is a finely balanced case. I agree, but on balance, I support the recommendation of the panel.

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

Decision maker: Alan Meyrick

Date: 3 October 2018

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