



Teaching
Regulation
Agency

Mr Gonsel Akyol: Professional conduct panel outcome

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

February 2019

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	6
Documents	6
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	10
Decision and reasons on behalf of the Secretary of State	12

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

Teacher: Mr Gonsel Akyol

Teacher ref number: 8059727

Teacher date of birth: 20 February 1955

TRA reference: 16760

Date of determination: 28 February 2019

Former employer: Waingels College, Woodley, Berkshire

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 28 February 2019 at Chelylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Mr Gonsel Akyol.

The panel members were Ms Sarah Evans (teacher panellist – in the chair), Mr John Elliott (lay panellist) and Mr Steve Woodhouse (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP solicitors.

Mr Akyol was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 17 December 2018.

It was alleged that Mr Gonsel Akyol was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Waingels College, Berkshire from January 1988 to August 2016:

1. He engaged in and/or developed an inappropriate relationship with one or more pupils, in particular:
 - a) with Pupil A, between approximately 1991 and 1993, in that he:
 - i. engaged in a personal and/or romantic relationship with her whilst she was a pupil at the school.
 - ii. engaged in sexual activity and/or intercourse whilst she was a pupil at the school and/or shortly after she had left.
 - iii. lived in the same accommodation with Pupil A after she had left the school.
 - b) with Pupil B, between approximately 1999 and 2002, in that he:
 - i. engaged in a personal and/or romantic relationship with her whilst she was a pupil at the school.
 - ii. engaged in sexual activity and/or intercourse whilst she was a pupil at the school and/or shortly after she had left.
 - iii. lived in the same accommodation with Pupil B after she had left the school.
2. His behaviour as may be found proven in allegations 1(a) and/or 1(b) above was sexually motivated.

Mr Akyol admitted the facts alleged in 1(a) i to iii and 1 (b) i to iii, but denied the facts alleged in allegation 2.

Mr Akyol further admitted that his conduct in allegations 1(a) and 1(b) amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

As to whether the hearing should proceed in the absence of Mr Akyol

Mr Akyol was not present and was not represented. The presenting officer applied for the hearing to proceed in the absence of Mr Akyol. After hearing submissions from the presenting officer and receiving legal advice, the chair announced the decision of the panel as follows:

The panel has decided that the hearing should proceed in the absence of Mr Akyol for the following reasons:

- The Notice of Proceedings was sent to Mr Akyol in accordance with Rule 4.11.
- Mr Akyol has responded to say that he will not be attending the hearing. Mr Akyol has signed a Statement of Agreed Facts and it is clear that he is expecting the hearing to proceed in his absence.
- No application for an adjournment has been made and there would be no purpose in an adjournment.
- The panel is satisfied that Mr Akyol has voluntarily waived his right to be present.
- There is a public interest in the hearing taking place reasonably promptly.

As to whether the hearing should be in public or private

Mr Akyol made a written application that the hearing should take place in private. This application was opposed by the presenting officer. After hearing submissions from the presenting officer and receiving legal advice, the chair announced the decision of the panel as follows:

The panel has considered the application from Mr Akyol that the hearing should take place in private. The panel is satisfied that there is a public interest in the hearing taking place in public and this outweighs the right to privacy in this case.

However, the panel has identified matters in paragraphs 18 and 19 of the Statement of Agreed Facts that ought not to be referred to in public in order to preserve the identity of the individuals concerned. The panel believes that this issue can be addressed without the need to go into private session by those paragraphs not being read out or referred to in public.

Accordingly, subject this qualification, the panel is satisfied that the hearing should take place in public.

D. 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 2 to 3

Section 2: Notice of Proceedings and Response – pages 5 to 25

Section 3: Signed Statement of Agreed Facts – pages 27 to 31

Section 4: Teaching Regulation Agency documents – pages 33 to 89

Section 5: Teacher documents – pages 91 to 102

Section 6: Department of Education documents – pages 104 to 144

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

Witnesses

No witnesses were called to give oral evidence.

The panel was presented with a signed Statement of Agreed Facts.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Gonsel Akyol was employed as a teacher of Economics and Business Studies at Waingels College ('the school') from January 1988 until August 2016. The school is a co-educational comprehensive school for children aged between 11 and 18 years located in Woodley, Berkshire.

During his employment at the school, Mr Akyol held various positions of responsibility including Head of Department and Pastoral Lead for Key Stage 5. Mr Akyol's teaching duties mainly related to Key Stage 4 and Key Stage 5 and he mainly taught pupils in Year 10 to Year 13, aged 14 to 18.

Pupil A was a female pupil who attended the school between approximately 1987 and 1993. Pupil A remained a pupil at the school until Year 13 when she completed her A Levels.

Pupil B was [REDACTED].

Both Pupil A and Pupil B studied Economics at A Level, a course taught by Mr Akyol at all relevant times.

In February 2005, Pupil A reported her relationship with Mr Akyol. In March 2005, Mr Akyol received a final written warning from the school in respect of his professional conduct.

On 12 May 2016, Mr Akyol was suspended by the school following a report of a relationship between Mr Akyol and Pupil B when she had been a pupil at the school. A disciplinary investigation commenced, but Mr Akyol resigned with effect from 31 August 2016.

Mr Akyol has admitted the allegations, with the exception of allegation 2. The panel has been presented with a signed Statement of Agreed Facts.

Findings of fact

The panels findings of fact are as follows:

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Waingels College, Berkshire from January 1988 to August 2016:

- 1. You engaged in and/or developed an inappropriate relationship with one or more pupils, in particular:**
 - a. with Pupil A, between approximately 1991 and 1993, in that you:**
 - i. engaged in a personal and/or romantic relationship with her whilst she was a pupil at the school.**

Mr Akyol admits that he commenced a romantic relationship with Pupil A from the date of her 16th birthday. Mr Akyol admits that the relationship developed after Pupil A approached him concerning [REDACTED].

- ii. engaged in sexual activity and/or intercourse whilst she was a pupil at the school and/or shortly after she had left.**

Mr Akyol admits that he engaged in sexual activity and sexual intercourse with Pupil A whilst she was a pupil at the school. He admits that he commenced a sexual relationship

with Pupil A when she was a Sixth Form pupil and that they would engage in sexual contact together during her breaks.

iii. lived in the same accommodation with Pupil A after she had left the school.

Mr Akyol admits that he continued his relationship with Pupil A and lived in the same accommodation as her after she left school in 1993.

The panel finds allegation 1 a i, ii and iii proved.

b) with Pupil B, between approximately 1999 and 2002, in that you:

i. engaged in a personal and/or romantic relationship with her whilst she was a pupil at the school.

Mr Akyol admits that between 1999 and 2002 he engaged in a personal and romantic relationship with Pupil B whilst she was a pupil at the school.

ii. engaged in sexual activity and/or intercourse whilst she was a pupil at the school and/or shortly after she had left.

Mr Akyol admits that he engaged in sexual activity and sexual intercourse with Pupil B when she was a pupil at the school. He admits that this sexual relationship began when Pupil B was 16 years of age. Mr Akyol acknowledges Pupil B's view that, at the time their sexual relationship began, Pupil B felt coerced, albeit not forced, into a sexual relationship with him.

iii. lived in the same accommodation with Pupil B after she had left the school.

Mr Akyol admits that he continued his relationship with Pupil B and lived within the same accommodation with her after she had left the school in 2002.

Mr Akyol admits that his relationship with Pupil B was kept secret by them until after her 21st birthday.

Mr Akyol also admits that he was in a relationship with Pupil B at the time that he received his final written warning in March 2005, but did not bring the relationship to the school's attention.

The panel finds allegation 1 b i, ii and iii proved.

2. Your behaviour as may be found proven in allegations 1(a) and/or 1(b) above was sexually motivated.

Mr Akyol has denied that his behaviour in allegations 1(a) and/or 1(b) was sexually motivated. In considering whether Mr Akyol's actions had a sexual motive, the panel

considered the definition of sexual motive applied by Mr Justice Mostyn in *Sait v GMC* [2018] EWHC 3160 at paragraph 36, namely:

'A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship'.

In relation to both Pupil A and Pupil B, Mr Akyol has admitted that he engaged in sexual activity and sexual intercourse when they were pupils at the school and thereafter. In doing so, his actions were clearly in pursuit of sexual gratification and in pursuit of a sexual relationship.

The panel finds allegation 2 proved.

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

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

The misconduct predates the introduction of the document *Teacher Misconduct: The Prohibition of Teachers*, which the panel refers to as "the Advice". The panel members have, therefore, drawn upon their own knowledge and experience of the standards expected of a teacher at the time of the conduct in question.

Mr Akyol instigated, developed and engaged in sexual relationships with two Sixth Form pupils which he knew breached the proper boundaries appropriate to a teacher's professional position. This is evidenced by the way he concealed those relationships and asked the pupils to conceal them.

The panel is satisfied that the conduct of Mr Akyol amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel is satisfied that Mr Akyol is guilty of unacceptable professional conduct.

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 panel therefore finds that Mr Akyol's actions constitute 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 is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has had regards to the particular public interest considerations set out in the Advice and having done so has 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 public interest of retaining a teacher in the profession.

There is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate sexual relationships with two pupils.

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

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

The panel considered the public interest aspect in retaining Mr Akyol in the profession. Positive references have been provided as to his abilities as a teacher.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Akyol.

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 Akyol. 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:

- abuse of position of trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

Even though there were behaviours that would 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 being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

Mr Akyol's relationship with Pupil A, which is the subject of allegation 1(a), resulted in a final written warning. Aside from this, Mr Akyol has a previous good history and has not been the subject of any previous proceedings by the TRA or the General Teaching Council for England.

However, there was no evidence to suggest that Mr Akyol was acting under duress, and in forming relationships with both Pupil A and Pupil B, his actions were deliberate.

The panel has been presented with positive references from a range of individuals, including some former professional colleagues. The panel noted Mr Akyol has stated that he does not intend to return to teaching in the future.

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

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

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Akyol. The fact that Mr Akyol engaged in concealed sexual relationships with two pupils was a significant consideration in forming that opinion. Accordingly, the panel makes 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 a review period of the order. The panel was mindful 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 two years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct, e.g. where the act was sexually motivated, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Mr Akyol has been responsible for such serious sexual misconduct on two occasions.

The panel felt the findings indicated a situation in which a review period not be appropriate and as such decided that it would be proportionate in all the circumstances to recommend a prohibition order without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

I have taken into consideration the panel's comments that, 'The misconduct predates the introduction of the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice". The panel members have, therefore, drawn upon their own knowledge and experience of the standards expected of a teacher at the time of the conduct in question.'

The panel is satisfied that the conduct of Mr Akyol amounts to, 'misconduct of a serious nature which fell significantly short of the standards expected of the profession.'

The findings of misconduct are particularly serious as they include a finding of sexual misconduct.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession

into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Aykol, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "There is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate sexual relationships with two pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have noted that the panel has made no comment on insight or remorse. In my judgement, the lack of evidence of insight and the fact that Mr Akyol has been responsible for serious sexual misconduct on two occasions means that there is some risk of the repetition of this behaviour and this puts at risk future pupils' safeguarding. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Akyol were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of 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 Akyol. The panel say it was presented with, "positive references from a range of individuals, including some former professional colleagues."

A prohibition order would prevent Mr Akyol 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.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Akyol has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in

light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments, "The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct, e.g. where the act was sexually motivated, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Mr Akyol has been responsible for such serious sexual misconduct on two occasions."

I have considered whether a no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I agree with the panel and am of the view that in light of the serious nature of the misconduct found and the lack of insight or remorse a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession.

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

This means that Mr Gonsel Akyol is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Akyol shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Gonsel Akyol has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', written in a cursive style.

Decision maker: Dawn Dandy

Date: 7 March 2019

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