



Teaching  
Regulation  
Agency

# **Mr Christopher Austen: Professional conduct panel outcome**

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

**June 2019**

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

**Teacher:** Christopher Miguel Campo Austen  
**Teacher ref number:** 1565962  
**Teacher date of birth:** 24 September 1989  
**TRA reference:** 17272  
**Date of determination:** 4 June 2019  
**Former employer:** Tolworth Girls' School and Sixth Form, Surrey

### **A. Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the Agency") convened on 3 June 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Christopher Austen.

The panel members were Professor Roger Woods (former teacher panellist – in the chair), Ms Gail Goodman (teacher panellist) and Mr John Elliott (lay panellist).

The legal adviser to the panel was Ms Kara O'Neill of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the Agency was Mr Rory Clarkson of DAC Beachcroft LLP solicitors.

Mr Austen 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 29 March 2019.

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

1. He engaged in an inappropriate relationship with Student 2 between October and December 2016 in that he;
  - a) engaged in a sexual relationship with a sixth form student, and failed to determine which school Student 2 attended or disclose the school at which he was teaching;
  - b) failed to end the relationship when he became aware that Student 2 studied at the School;
  - c) failed to end the relationship at all, in that Student 2 was responsible for its termination;
  - d) attended Student 2's place of work after the relationship had ended, to engage in inappropriate communications with a view to recommencing their relationship;
  - e) failed to disclose any of the above to the School either during or after the events in question.
2. He knew or ought to have known in respect of his conduct at allegation 1 that he acted with a lack of professional judgement and that his behaviour was inappropriate.

## **C. Preliminary applications**

The panel considered an application from the presenting officer to proceed in the absence of the teacher.

The panel was satisfied that the Agency has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel decided to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understands that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making the decision, the panel noted that the teacher waived his right to participate in the hearing. The panel took account of the various factors drawn to their attention from the case of *R v Jones* [2003] 1 AC1. The panel were satisfied that Mr Austen was aware of the proceedings and indicated in his response to the notice of proceedings that he would not attend and confirmed this in further email communications. In one email he said 'I am past the point of caring... do what you want'. The panel therefore considered that the teacher voluntarily waived his right to be present at the hearing.

The panel had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There was no indication that an adjournment might result in Mr Austen attending the hearing.

The panel had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel, however, had the benefit of representations made by Mr Austen through his responses to the notice of proceedings. The panel did not identify any significant gaps in the documentary evidence provided. Should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses that are in attendance; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing.

The panel considered an application from the presenting officer to amend part of allegation 2. The panel has the power, in the interests of justice, to amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer in regard to allegation 2, who put forward to the panel that there was merely a typographic error contained in the allegation.

The panel concluded that the amendment proposed, being a correction of a typographical error, did not change the nature, scope or seriousness of the allegations. There was no prospect of the teacher's case being presented differently should the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The panel therefore decided to amend the allegation as proposed by the presenting officer through changing allegation '2' to allegation '1' within allegation 2.

## **D. Summary of evidence**

### **Documents**

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

Section 1: chronology, identification key and list of roles – pages 1 to 4

Section 2: notice of hearing and response – pages 5 to 14

Section 3: Agency witness statements – pages 15 to 24

Section 4: Agency documents – pages 25 to 272

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

### **Witnesses**

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

- Witness A, member of the senior leadership team;
- Witness B, member of the senior leadership team.

Mr Austen was not present at the hearing and was not represented.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

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

Mr Austen was employed at Tolworth Girls' School (the "School") as a newly qualified modern languages teacher from 1 September 2016. It was alleged that Mr Austen engaged in an inappropriate sexual relationship with Student 2 between October and December 2016. Following a disciplinary hearing in April 2018, Mr Austen was dismissed from the School.

## **Findings of fact**

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

- 1. You engaged in an inappropriate relationship with Student 2 between October and December 2016 in that you;**
  - a) engaged in a sexual relationship with a sixth form student, and failed to determine which school Student 2 attended or disclose the school at which you were teaching;**

The panel considered all of the evidence before them. In particular the panel noted that the teacher and Student 2, during an interview with the investigating officer, both admitted that the relationship between them was 'a sexual relationship'. Therefore the panel found this part of allegation proved.

The panel were mindful that Mr Austen and Student 2 met outside school when Student 2 was working in a supermarket. Subsequently Mr Austen gave his number to Student 2 and they proceeded to exchange text messages before beginning a relationship. The panel accepted that Mr Austen was not initially aware that Student 2 was a student at the School. However when interviewed in the School's disciplinary investigation Mr Austen said, 'I knew she was a student and she knew I was a teacher, but we had no idea we were both at [the School]'. The panel considered, on the balance of probabilities, because Mr Austen was a teacher in the local area and Student 2 was of school age, it was incumbent on him to ask where she went to school. He failed to do so. When put to Mr Austen by the investigating officer that, 'if you entered into a relationship with someone who said she was doing A Levels, it's not credible that you wouldn't ask where'. Mr Austen's response was, 'she said something about college in Raynes Park and I didn't mention where I teach, I never would on a date'. The panel found this answer to be inadequate.

The panel further considered Mr Austen's account that, 'I didn't see her around the school, she just said she was at college and that she was 18- which she was- but no details, that was it. On dates I never tell people exactly where I work'. However, in her interview, Student 2 confirmed that Mr Austen realised that she was a student in the School, '4 weeks into it'. And, upon finding this out said 'it didn't change things' and

carried on the relationship. On the balance of probabilities, the panel found this section of the allegation proved.

Lastly, the panel examined notes of the interview with Mr Austen in which he admitted that he did not report the situation to the School because, 'there were two reasons why I didn't report it: 1) I was scared, as it was my first half term being a teacher; and 2) I didn't want it to affect her studies. It was partly selfish because I cared for her'. The panel were mindful that evidence of the relationship only came to light in 2017.

On the balance of probabilities, the panel found allegation 1a, in its totality, proved.

**b) failed to end the relationship when you became aware that Student 2 studied at the School;**

This allegation is admitted. Mr Austen accepted that he failed to end the relationship when he became aware that Student 2 studied at the School. The panel is satisfied this is consistent with the evidence and therefore found proved.

**c) failed to end the relationship at all, in that Student 2 was responsible for its termination;**

There was conflicting evidence in relation to this allegation. Mr Austen said, 'I was telling her that I was beginning to have doubts but would carry on. Then she ended it... once I told her of my doubts'. Student 2 said she ended it on Christmas Eve on the basis that it 'weirded me out so I said I couldn't cope with it'. Although Mr Austen's evidence confirms he failed to end the relationship, the panel is of the view that he should have ended the relationship as soon as he was aware that Student 2 was a student at the School.

On the balance of probabilities, the panel found this allegation proved.

**d) attended Student 2's place of work after the relationship had ended, to engage in inappropriate communications with a view to recommencing your relationship;**

There was conflicting evidence in relation to this allegation. Mr Austen denied the allegation on the basis that although he, 'might have sent her a message' he did not attend her place of work to speak to her. He said that Student 2's workplace was a location where he frequently shopped. However, the panel preferred the evidence of Student 2 who said Mr Austen, 'turned up at work twice in the car park to talk about it when he knew I had a shift. He gave me a letter where he was asking to get back together again'. When Student 2's recollection of events was put to Mr Austen in an interview his response was, 'I don't remember doing that. In December I remember feeling that I wanted to get back with her' and he did not deny her version of events. The panel found Student 2's evidence to be credible, noting that the investigating officer described her as a compelling witness who was, 'clear and thoughtful in her manner'.

On the balance of probabilities, the panel preferred the evidence of Student 2. Therefore, allegation 1d is found proved.

**e) failed to disclose any of the above to the School either during or after the events in question.**

This allegation is admitted. Mr Austen accepted that he should have disclosed the relationship to the School when he became aware that Student 2 studied at the School. The panel noted that he admitted this during the School's disciplinary investigation. The panel is satisfied this is consistent with the evidence and therefore found proved.

Lastly, the panel turned their minds to whether there was an inappropriate relationship. The panel were mindful that Mr Austen argued that this was not an inappropriate relationship because he was initially unaware that Student 2 was a student at his School. The panel noted that in the disciplinary interview Mr Austen said, 'it was hard to differentiate between the girlfriend I saw and the student I saw'. The panel considered this to be a blurring of proper professional boundaries and therefore evidence of an inappropriate relationship.

The panel considered the evidence of Student 2 who said that when Mr Austen realised that she was a student at the School, 'he got a bit nervous, we went back to his car and he said "I really like you. We just have to keep this secret". It didn't change things'. The panel concluded from her evidence that Mr Austen was aware that the relationship was inappropriate and sought to conceal it. In failing to end the relationship on discovering that Student 2 was at the School, and in failing to disclose this information to the School at any point, Mr Austen demonstrated to the panel his knowledge and awareness that this was an inappropriate relationship.

On the balance of probabilities, the panel found allegation 1 proved in its entirety.

**2. You knew or ought to have known in respect of your conduct at allegation 1 that you acted with a lack of professional judgement and that your behaviour was inappropriate.**

In reaching a decision, the panel first considered the evidence of Witness A. The panel found Witness A to be a credible witness. She said that Mr Austen began working at the School, a month or so before the relationship with Student 2 began, he underwent an robust induction process that included sessions on child protection, and an overview of the School's key policy documents including the safeguarding policy. She said part 2 of the teachers' standards was explained and emphasised to all staff. She confirmed Mr Austen would be, 'fully aware of these documents, and the obligations they imposed upon him'.

The panel saw evidence from the head of modern languages, that there was particular emphasis on the expectations and protocols around safeguarding, 'because I am an experienced teacher and come from an all-boys school, I was very surprised at Witness

A's directness. She told male members of staff that the girls will fall in love with you and emphasised no social media contact with students'. She also said, 'safeguarding protocols are made clear all around the school, no wiggle room, no grey areas'. 'There are clear protocols and everything is very open and transparent'. In the panel's view, Mr Austen could have no doubt about his safeguarding obligations and responsibilities as a teacher.

In his interview notes Mr Austen confirmed he knew that the School was serious about safeguarding and was explicit about the rules and expectations, and he was familiar with the teachers' standards. This was evidenced by an email sent by Mr Austen to Witness A in October 2016 (at about the time he began the inappropriate relationship with Student 2) to report a safeguarding incident with another Student. In this email Mr Austen said, 'I will make you aware of anything next time'.

In the light of this evidence, the panel was satisfied that Mr Austen was well aware of his duty to report safeguarding incidents. Moreover by failing to report his relationship with Student 2 he demonstrated a lack of professional judgment.

On balance of probabilities, the panel found allegation 2 proved.

### **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 proved, the panel went on to consider whether the facts proved amount 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 the panel refers to as "the Advice".

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

- 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 the teacher fell significantly short of the standards expected of the profession.

The panel was of the view that the conduct of Mr Austen's conduct in relation to the facts found proved at allegations 1 and 2 involved breaches of the Teachers' Standards. Having an inappropriate relationship with Student 2 demonstrated a disregard for the wellbeing of students and safeguarding principles. By failing to disclose a sexual relationship when he discovered Student 2 to be a student of the School and continuing the relationship regardless of his teaching position, Mr Austen confirmed to the panel his disregard of the teachers' standards.

The panel considered whether the teacher's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and found none of these to be relevant.

The panel took 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 took into account 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.

Engaging in an inappropriate relationship with Student 2 and failing to disclose that relationship to the School, in the panel's view, would have a negative impact on Mr Austen's status as a teacher. It could damage the public's perception of him and therefore bring the profession into disrepute.

Having found the facts of particulars 1 and 2 proved, the panel further found that Mr Austen'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/or 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 considered 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. In particular the panel noted the primary importance of safeguarding in schools. The panel agreed with the presenting officer that Mr Austen took a 'laissez faire attitude' to the teachers' standards.

In light of the panel's findings against Mr Austen which involved an inappropriate relationship with Student 2 and failure to report that relationship to the School, public interest considerations are engaged. The panel considered that public confidence in the profession could be seriously weakened if misconduct, such as that found against Mr Austen, was not treated with the utmost seriousness.

The panel also considered that there is a strong public interest in declaring proper standards of conduct in the profession. The conduct found against Mr Austen was outside that which could be tolerated because teachers cannot have sexual relationships with students.

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

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 Austen. 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:

- a 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
- abuse of position or trust or violation of the rights of pupils.

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. 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.

The panel noted that both Witness A and Witness B described Mr Austen as a 'good teacher with no classroom issues, respected by his colleagues and peers'. They also said he was active in the school community by arranging and participating in extracurricular activities.

The misconduct arose out of the educational setting. Mr Austen and Student 2 met outside the school, she was not one of his pupils. She explained, 'he didn't groom me; I was a consenting adult'. Nevertheless, she also said, 'but the situation started to feel uncomfortable. I felt he had a duty of care to me.'

However, the panel concluded Mr Austen's actions were deliberate in not ending or disclosing the inappropriate relationship. There was no evidence to suggest that Mr Austen was acting under duress. The panel were of the opinion that he allowed his emotions to override his professional responsibilities.

Considering the militating factors, the panel remains 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 the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has concluded that the public interest considerations outweigh the interests of Mr Austen. The panel noted Mr Austen's lack of engagement and that they did not have the opportunity to explore his insight into his misconduct. On the information available to the panel, he displayed limited insight or remorse. 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 for them to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 a review period being recommended. The panel determined that none of these findings were relevant and therefore it would be appropriate in the circumstances to have a review period. The panel noted that whilst this was serious misconduct, Student 2 was a consenting adult and there is no suggestion of grooming. Indeed the panel considered that there may have been an element of naivety on Mr Austen's part at the beginning of his career. The panel considered that given time for reflection Mr Austen may develop full insight into his lack of judgement and the inappropriateness of his behaviour.

The panel felt the findings indicated a situation in which it would be appropriate and proportionate in all the circumstances for a prohibition order to be recommended with provisions for a review period after 3 years.

## Decision and reasons on behalf of the Secretary of State

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

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

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

The panel has made a recommendation to the Secretary of State that Mr Austen should be the subject of a prohibition order, with a review period of three years

In particular, the panel has found that Mr Austen 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
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In addition, the panel say that it "was satisfied that the conduct of the teacher fell significantly short of the standards expected of the profession."

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 Austen, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that Mr Austen had, through, “an inappropriate relationship with Student 2 demonstrated a disregard for the wellbeing of students and safeguarding principles. By failing to disclose a sexual relationship when he discovered Student 2 to be a student of the School and continuing the relationship regardless of his teaching position, Mr Austen confirmed to the panel his disregard of the teachers’ standards.”

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “noted Mr Austen’s lack of engagement and that they did not have the opportunity to explore his insight into his misconduct. On the information available to the panel, he displayed limited insight or remorse.” In my judgement, the limited insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “Engaging in an inappropriate relationship with Student 2 and failing to disclose that relationship to the School, in the panel’s view, would have a negative impact on Mr Austen’s status as a teacher. It could damage the public’s perception of him and therefore bring the profession into disrepute.”

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 Austen himself. The panel found, “that both Witness A and Witness B described Mr Austen as a ‘good teacher with no classroom issues, respected by his colleagues and peers’. They also said he was active in the school community by arranging and participating in extracurricular activities.”

The panel also note that, “The misconduct arose out of the educational setting. Mr Austen and Student 2 met outside the school, she was not one of his pupils. She explained, ‘he didn’t groom me; I was a consenting adult’. Nevertheless, she also said, ‘but the situation started to feel uncomfortable. I felt he had a duty of care to me.’”

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

In this case, I have placed considerable weight on the panel's comments, "were of the opinion that he allowed his emotions to override his professional responsibilities."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Austen 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 only backed up by limited 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 3 year review period.

I have considered the panel's comments and that, "there may have been an element of naivety on Mr Austen's part at the beginning of his career. The panel considered that given time for reflection Mr Austen may develop full insight into his lack of judgement and the inappropriateness of his behaviour.

I have considered whether a 3 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. In this case, there are factors which mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the lack of full insight, the panel's expressed view of the "primary importance of safeguarding in schools, and the view of the panel that "Mr Austen took a 'laisse faire attitude' to the teachers' standards."

I consider therefore that a three year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Christopher Austen 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 17 June 2022, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If Mr Christopher Austen does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Christopher Austen remains prohibited from teaching indefinitely.

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

Mr Christopher Austen 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 'Alan Meyrick', written in a cursive style.

**Decision maker: Alan Meyrick**

**Date: 7<sup>th</sup> June 2019**

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