



Teaching
Regulation
Agency

Mr Paul Johnson: Professional conduct panel meeting outcome

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

October 2020

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

Teacher: Mr Paul Johnson

Teacher ref number: 9555984

Teacher date of birth: 28/03/1964

TRA reference: 18121

Date of determination: 27 October 2020

Former employer: Clarendon Academy, Wiltshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 October 2020 via video conference to consider the case of Mr Paul Johnson.

The panel members were Mr Alexander Osiatynski (teacher panellist – in the chair), Mr Clive Ruddle (lay panellist) and Ms Alison Platts (lay panellist).

The legal adviser to the panel was Mrs Anna Marjoram of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Johnson that the allegations be considered without a hearing. Mr Johnson provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Luke Deal of Browne Jacobson LLP Solicitors, Mr Johnson or his representative, Ms Elizabeth Michaelson of NEU Solicitors.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 15 October 2020.

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

Whilst a teacher at Burford School (the “School”):

1. On various unknown dates between September 2011 and July 2015, he threatened to send boarding pupils’ home in taxis;
2. On various unknown dates between September 2011 and July 2015, he was under the influence of alcohol whilst in the Boarding House;
3. On or around May 2012, he allowed Staff Member 1 to commence work at the School without requesting references and previous employment history;
4. On 22 July 2013, in relation to Staff Member 2’s salary, he:
 - a. authorised an increase in pay grade;
 - b. authorised the increase in pay grade to commence a month earlier than Staff Member 2 began work in the role;
5. On various dates between August 2013 and August 2014, he made payments from the School’s funds for unauthorised purposes;
6. On 18 November 2014, he purchased a laptop for personal use with the School’s funds;
7. On one or more occasions in February 2015, he referred to pupils from Spain as “thieves”;
8. On an unknown date between 29 June 2015 and 3 July 2015, he referred to pupils as “scum”;
9. On various dates between March 2015 and October 2015, he authorised building renovations without the Boarding Governors’ approval;
10. By his conduct as set out in the following allegations, he failed to maintain high standards of behaviour:
 - a. allegation 1;
 - b. allegation 2;
 - c. allegation 7; and
 - d. allegation 8;

11. By his conduct as set out in allegation 3, he failed to have proper regard for the need to safeguard pupils' well-being, in accordance with the statutory provisions;

12. By his conduct as set out in following allegations, he was dishonest:

- a. allegation 4;
- b. allegation 5;
- c. allegation 6; and
- d. allegation 9;

13. By his conduct as set out in the following allegations, he lacked integrity:

- a. allegation 4;
- b. allegation 5;
- c. allegation 6; and
- d. allegation 9;

And whilst a teacher at Clarendon Academy ("the Academy"):

14. On an unknown date between January 2017 and September 2018, he suggested that Pupil A might have a bomb in his bag;

15. On 3 December 2018, during a Year 10 engineering lesson, he threw a piece of sheet metal at Pupil B;

16. By his conduct as set out in the following allegations, he failed to maintain high standards of behaviour:

- a. allegation 14; and
- b. allegation 15.

Mr Johnson has admitted the facts of the allegations and has admitted that he is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new Teacher Misconduct Disciplinary procedures for the teaching profession were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no

representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

Section 1: Chronology, Anonymised Pupil List and List of Key People – pages 2 to 4

Section 2: Notice of Referral and Notice of Meeting – pages 5 to 9

Section 3: Statement of agreed facts – pages 10 to 15

Section 4: Teaching Regulation Agency documents – pages 17 to 810

Section 5: Teacher documents – pages 812 to 813

The panel members confirmed that they had read all the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Johnson on 28 February 2020.

Decision and reasons

The panel made its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Johnson for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Johnson was employed as an Assistant Head Teacher and Head of Boarding at Burford School from September 2011 to 31 October 2015. On 3 July 2015, a whistleblowing letter regarding Mr Johnson's conduct at Burford School was sent to the LADO and Ofsted. He was suspended on 8 July 2015 pending investigation, and he resigned on 31 October 2015 before the disciplinary panel met.

Mr Johnson was then employed as a Teacher of Design Technology at Clarendon Academy between 8 February 2016 and 4 January 2019. On 3 December 2018, a student made a disclosure regarding Mr Johnson's conduct and following initial investigation a referral was made to the Designated Officer for Allegations ("DOfA") on 4 December 2018. Following a full investigation, Mr Johnson was suspended on 6 December 2018. He was then dismissed for gross misconduct on 23 January 2019 following a staff disciplinary hearing. Mr Johnson was referred to the TRA by Clarendon Academy on 5 December 2018.

Findings of fact

The findings of fact are as follows:

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

Whilst a teacher at the School;

1. On various unknown dates between September 2011 and July 2015, you threatened to send boarding pupils home in taxis;

The panel noted that as part of the school's internal investigation, there were various statements from interviews with pupils which established that you made threats to send pupils home in taxis as a means of coercing pupils to behave appropriately, and this was corroborated by interviews with staff.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations.

The panel therefore found this allegation proven.

2. On various unknown dates between September 2011 and July 2015, you were under the influence of alcohol whilst in the Boarding House;

The panel had regard to statements taken from Duty Staff members as part of the School's internal review of your behaviour. These statements recorded that you stumbled up the stairs on occasion and displayed slurred speech, demonstrating that you were under the influence of alcohol. The panel also referred to an incident where you communicated with a parent of a pupil on the telephone at night whilst you were under the influence of alcohol, during which you were unable to respond and manage this situation appropriately, for example in shouting at the parent and being unprofessional in your approach.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. This included this allegation.

In a statement of agreed facts signed by you on 28 February 2020 you admitted this allegation.

The panel therefore found this allegation proven.

3. On or around May 2012, you allowed Staff Member 1 to commence work at the School without requesting references and previous employment history;

The panel reviewed the evidence before it and had particular regard to the investigation undertaken by the School, specifically the interview with the Administration & Finance Manager and your interview with the Headteacher. It is apparent from the School's training records that you received training on safer recruitment and safeguarding pupils. However, the investigations clearly showed that you had failed to follow the School's procedures when Staff Member 1 became an employee at the School. In taking these actions, the panel considered that you exposed the School to a risk of regulatory failure and exposed pupils to potential harm.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations, including this allegation.

The panel therefore found this allegation proven.

4. On 22 July 2013, in relation to Staff Member 2's salary, you:

a. authorised an increase in pay grade;

b. authorised the increase in pay grade to commence a month earlier than Staff Member 2 began work in the role;

The panel considered the School's investigation into these allegations, specifically the meeting undertaken with you. At that meeting you agreed that you did not follow the correct processes. Payment information confirms that Staff Member 2 was paid prior to commencing the role.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019 which included these two allegations.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations.

The panel therefore found this allegation proven.

5. On various dates between August 2013 and August 2014, you made payments from the School's funds for unauthorised purposes;

The panel had regard to evidence collated by the School as part of its investigation into your unauthorised use of funds. It was evident that a number of your colleagues, including from the finance department, expressed concern at the way in which you recorded several items of expenditure. Whilst you initially attempted to justify that such expenditures were made for pupils, it became apparent through further investigation that this was not the case. The panel concluded that the School had investigated this thoroughly and fairly with reference to significant financial data including receipts and expenditure logs.

It was evident that you were aware of the requirements of the School's financial policies and procedures, in particular because you were a senior leader of the School and a member of the Finance Committee. The School's investigations evidence that payments were made without the proper authority and not in accordance with the procedures in place.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations.

The panel therefore found this allegation proven.

6. On 18 November 2014, you purchased a laptop for personal use with the School's funds;

The panel had regard to evidence obtained from the School including the bank statement and receipt confirming this purchase. It was telling that the ICT Manager was not informed of this purchase which could not therefore have been authorised. The fact that the laptop had not been found, and did not appear on the School's asset register, indicated that it was used for personal benefit rather than purchased as school property.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations.

The panel therefore found this allegation proven.

7. On one or more occasions in February 2015, you referred to pupils from Spain as “thieves”;

The panel had regard to the statement of the Head of Catering and the anonymous whistleblowing letter which refer to you making this statement. Although the panel acknowledged that these statements contained hearsay evidence which was not tested at a hearing, the panel was able to corroborate these accounts with witness statements from pupils and staff which showed that you were known to make racial comments and in particular comments against Spanish people, both pupils and adults.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations.

The panel therefore found this allegation proven.

8. On an unknown date between 29 June 2015 and 3 July 2015, you referred to pupils as “scum”;

The panel considered the same statements as referred to in allegation 7 above, which also stated that you referred to pupils as “scum”. For the same reasons as set out in allegation 7 above, the panel found this allegation proven.

9. On various dates between March 2015 and October 2015, you authorised building renovations without the Boarding Governors’ approval;

The panel considered receipts and statements which confirmed a significant expenditure for building works. The panel also noted from the School’s finance committee minutes dated 10 December 2014 that governors expressly agreed that there would be no expenditure for building work in this period. You were present at that meeting.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations.

The panel therefore found this allegation proven.

10. By your conduct as set out in the following allegations, you failed to maintain high standards of behaviour:

- a. allegation 1;
- b. allegation 2;
- c. allegation 7; and
- d. allegation 8;

For the reasons set out above in respect of allegations 1, 2, 7 and 8 above, the facts of these events have been found proven.

In considering the high standards of behaviour expected of a teacher, the panel had reference to the Teaching Standards. The panel found a number of the personal and professional standards in Part Two were relevant to these incidents. Judging against these standards, the panel found that your conduct fell well short of what would be expected.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations. Further, a letter from your representative dated 6 December 2019 sets out your admission that you failed to maintain high standards of behaviour whilst working at the School, and that you made errors of judgement and mistakes.

The panel therefore found this allegation proven.

11. By your conduct as set out in allegation 3, you failed to have proper regard for the need to safeguard pupils' well-being, in accordance with the statutory provisions;

The fact of allegation 3 has been found proven for the reasons set out above. In considering this allegation 11, the panel had regard to the Teachers Standards. The panel agreed that your actions clearly failed to safeguard pupils' wellbeing.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations. Further, a letter from your representative dated 6 December 2019 confirms that you regretted that you failed to have proper regard for the need to safeguard pupils' well-being.

The panel therefore found this allegation proven.

12. By your conduct as set out in the following allegations, you were dishonest:

- a. allegation 4;**
- b. allegation 5;**
- c. allegation 6; and**
- d. allegation 9;**

For the reasons set out above in respect of allegations 4, 5, 6 and 9, the facts of these allegations has been found proven.

The panel found it apparent from the School's investigations that you were fully aware of the School's financial policies and procedures, notably because you were part of the School's Financial Committee. You therefore knew that in making and authorising payments in a way which did not comply with the policy, you were not adhering to the School's procedures.

The panel considered that the ordinary honest person would regard your actions as set out in allegations 4, 5 and 6 as being dishonest.

However, the panel did not consider that your actions in respect of allegation 9 could be regarded as dishonest or that the ordinary honest person would necessarily regard it as being dishonest because the expenditure was made primarily for the benefit of the Boarding House.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted this allegation in its entirety.

The panel therefore found this allegation proven with the exception of in respect of allegation 9.

13. By your conduct as set out in the following allegations, you lacked integrity:

- a. allegation 4;**
- b. allegation 5;**
- c. allegation 6; and**
- d. allegation 9;**

In considering whether your actions found proven in allegations 4, 5, 6 and 9, the panel considered what would be expected of a professional in your position. The panel concluded on the balance of probability that your actions were clearly known to be against the School's policies and procedures, and that your actions lacked integrity in respect of allegations 4, 5 and 6.

However, the panel did not consider there was sufficient evidence to demonstrate your lack of integrity in respect of allegation 9 although it was evident that you did not follow procedures.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted all of the allegations.

The panel therefore found this allegation proven with the exception of in respect of allegation 9.

And whilst a teacher at the Academy:

14. On an unknown date between January 2017 and September 2018, you suggested that Pupil A might have a bomb in his bag;

In the referral made by the DOfA to the LADO on 5 December 2018, it was recorded that you had received a warning for making a racist comment to a Muslim student. The Headteacher of the Academy confirmed that a meeting took place with you to discuss this incident on 6 September 2018, and at a further meeting you apologised to the student and his family.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted this allegation. Letters from your representative dated 8 November 2019 and 6 December 2019 set out your admission that you made a thoughtless comment about a bomb.

The panel therefore found this allegation proven.

15. On 3 December 2018, during a Year 10 engineering lesson, you threw a piece of sheet metal at Pupil B;

In the referral made by the DOfA to the LADO on 5 December 2018, it was noted that you threw a piece of sheet metal at Pupil B after Pupil B shouted and swore at you. This incident was witnessed by the whole class. Witness statements taken from students and the [REDACTED] present in the class confirmed that a piece of sheet metal was thrown by you.

You admitted this incident to some degree at the Academy's disciplinary meeting and you agreed it was a "misjudged action".

In subsequent correspondence you have admitted the allegation, including your response to a Notice of Referral Form dated 25 November 2019, in your reply dated

6 December 2019. Your representative has confirmed this in letters dated 17 April 2019, 8 November 2019 and 6 December 2019.

In a statement of agreed facts signed by you on 28 February 2020 you admitted this allegation.

The panel therefore found this allegation proven.

16. By your conduct as set out in the following allegations, you failed to maintain high standards of behaviour:

a. allegation 14; and

b. allegation 15.

The panel found the facts of allegations 14 and 15 proven for the reasons set out above. In considering the high standards of behaviour that would have been expected, the Panel had regard to the Teachers Standards.

Throwing sheet metal in a classroom is clearly a dangerous act which placed student safety at risk, and one which seriously breached any reasonable definition of health and safety. The panel considered that this would fall well below the high standards of behaviour that would have been expected in the circumstances. Further, you chose not to report it which the panel also considered to be a failure to adhere to high standards of behaviour.

In response to a Notice of Referral Form dated 25 November 2019, you admitted the allegations set out therein in the return form dated 6 December 2019. Those allegations are the same as those under consideration today.

In a statement of agreed facts signed by you on 28 February 2020 you admitted this allegation.

Further, a letter from your representative dated 6 December 2019 states that you immediately regretted this action when you realised someone could have been hurt, and that you acknowledge that in undertaking this action you did not have proper regard to safeguarding policies.

The panel therefore found this allegation proven.

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

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

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

The panel was satisfied that the conduct of Mr Johnson in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Johnson 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
- showing tolerance of and respect for the rights of others

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.

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

The panel was satisfied that the conduct of Mr Johnson fell significantly short of the standards expected of the profession.

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

Having found the facts of particulars 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 (a)-(c), 13 (a)-(c), 14, 15 and 16 proved, the panel further found that Mr Johnson's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate

and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Johnson which involved issues of financial impropriety as well as safeguarding and pupil wellbeing, there was a strong public interest consideration in respect of the protection of pupils and maintaining public confidence in the profession.

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

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

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 Mr Johnson.

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 Johnson. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

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

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

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

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

- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Johnson's actions were not deliberate or made under duress.

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

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Johnson. Pupil wellbeing was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel felt that none of these behaviours applied.

While admitting his actions Mr Johnson has not yet demonstrated insight into his behaviour and its consequences. The panel felt that at this moment at time it could not be confident that Mr Johnson would not repeat this behaviour.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 5 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 the majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found two elements not proven in terms of dishonesty and lack of integrity. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Johnson 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
- showing tolerance of and respect for the rights of others

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.

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

The panel was also "satisfied that the conduct of Mr Johnson fell significantly short of the standards expected of the profession."

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of an assistant headteacher (and teacher). It also involves safeguarding and pupil wellbeing.

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 Johnson, 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, for example, "Throwing sheet metal in a classroom is clearly a dangerous act which placed student safety at risk, and one which seriously breached any reasonable definition of health and safety." 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, "While admitting his actions Mr Johnson has not yet demonstrated insight into his behaviour and its consequences. The panel felt that at this moment at time it could not be confident that Mr Johnson would not repeat this behaviour." In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the well being of pupils as well as risking broader issues of dishonesty and lack of integrity. 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 that it, "took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave."

I am particularly mindful of the finding of dishonesty and lack of integrity 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 Johnson himself. The panel comment “The panel decided that the public interest considerations outweighed the interests of Mr Johnson. Pupil wellbeing was a significant factor in forming that opinion.”

A prohibition order would prevent Mr Johnson 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 concerning the lack of insight or remorse and their concern set out above about the risk of repetition.

I have also placed considerable weight on the finding of the panel concerning pupil wellbeing.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Johnson 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 a 5 year review period.

I have considered the panel’s comments “While admitting his actions Mr Johnson has not yet demonstrated insight into his behaviour and its consequences. The panel felt that at this moment at time it could not be confident that Mr Johnson would not repeat this behaviour.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 5 years.”

I have considered whether a 5 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, three factors 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 dishonesty found, the impact on well being and safeguarding and the lack of sufficient insight or remorse.

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

This means that Mr Paul Johnson 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 04 November 2025, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Paul Johnson remains prohibited from teaching indefinitely.

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

Mr Paul Johnson 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.



Decision maker: Alan Meyrick

Date: 30 October 2020

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