



National College for
Teaching & Leadership

Mr Luke Stephens: Professional Conduct Panel outcome

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

25 September 2014

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Luke Stephens
Teacher ref no:	9047278
Teacher date of birth:	14 November 1968
NCTL Case ref no:	0011046
Date of Determination:	25 September 2014
Former employer:	Ellen Wilkinson School for Girls, Acton

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 25 September 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Luke Stephens.

The Panel members were Mr Tapan Debnath (Lay Panellist – in the Chair), Mr Mike Carter (Teacher Panellist) and Ms Nicole Jackson (Lay Panellist).

The Legal Adviser to the Panel was Mr Thomas Whitfield of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Ms Michelle Lau of Browne Jacobson LLP Solicitors.

Mr Luke Stephens was not present but was represented by Mr Tim Glover of the Association of School and College Leaders.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 16 July 2014.

It is alleged that Mr Luke Stephens, a Deputy Head Teacher and Chemistry Teacher and designated Child Protection Officer is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at the Ellen Wilkinson School for Girls he failed to maintain professional boundaries, specifically he:

- a. met with student A outside of school and gave her lifts to her home address;
- b. provided student A with gifts;
- c. had inappropriate physical contact with student A by hugging her;
- d. kissed student A on one occasion;
- e. sent a number of text messages and emails to student A which were inappropriate; and
- f. exchanged images and poetry with student A.

Mr Stephens admits the facts of the allegations against him and that they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications, save for a further document to be submitted to the Panel, as noted in section D below.

D. Summary of evidence

Documents

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

Section 1: Chronology, Anonymised Pupil List, with page numbers from 1 to 4.

Section 2: Notice of Proceedings and Response, with page numbers from 5 to 18.

Section 3: Statement of Agreed Facts, with page numbers from 19 to 23.

Section 4: National College for Teaching and Leadership Documents, with page numbers from 24 to 151.

Section 5: Teacher Documents, with page numbers from 152 to 166.

In addition, the Panel agreed to accept the following:

A medical certificate, given page number 167.

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

A request was made by a member of the public for information contained in part of a witness statement that had been taken as read in the public hearing. The panel directed, in accordance with paragraph 4.64 of the Teacher misconduct – Disciplinary procedures for the teaching profession, that that part of the statement, which related to Mr Stephen's age, should be made available to the public on the day of the hearing.

Witnesses

The Panel did not hear any oral evidence.

E. Decision and reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Summary of Evidence

Mr Luke Stephens commenced employment at Ellen Wilkinson School for Girls, Acton (the "School"), as deputy head, in September 2004.

In September 2006, the student referred to in the allegations, student A (also referred to in the documents as "Pupil A"), started at the School, in year 7. In the spring of 2012 Mr Stephens, who was at that time student A's chemistry teacher, started to have increased contact with student A, as he provided her with extra tuition. From this point onwards the events detailed in the allegations are said to have taken place.

On 24 May 2013, student A described to another teacher at the School the nature of the relationship between student A and Mr Stephens. Investigations at the School commenced and on 30 May 2013 the Local Authority Designated Officer became involved. On 7 June 2013, Mr Stephens did not attend the School, on the grounds of ill-health and on 13 June 2013 he was suspended pending completion of investigations. In July 2013, student A completed the academic year and left the School. Mr Stephens resigned on 12 December 2013 and on 29 January 2014, following a police investigation,

Mr Stephens received an adult caution for the offence of Abuse of Position of Trust under section 16 of the Sexual Offences Act 2003.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Luke Stephens proven, for these reasons:

That whilst employed at the Ellen Wilkinson School for Girls he failed to maintain professional boundaries, specifically he:

a. met with student A outside of school and gave her lifts to her home address;

This allegation was admitted. The Panel also found the allegation to be corroborated by the documents before it. The Panel therefore found this allegation proven.

b. provided student A with gifts;

This allegation was admitted. The Panel also found the allegation to be corroborated by the documents before it. The Panel therefore found this allegation proven.

c. had inappropriate physical contact with student A by hugging her;

This allegation was admitted. The Panel also found the allegation to be corroborated by the documents before it. The Panel therefore found this allegation proven.

d. kissed student A on one occasion;

This allegation was admitted. The Panel also found the allegation to be corroborated by the documents before it. The Panel therefore found this allegation proven.

e. sent a number of text messages and emails to student A which were inappropriate; and

This allegation was admitted. The Panel also found the allegation to be corroborated by the documents before it. The Panel therefore found this allegation proven.

f. exchanged images and poetry with student A.

This allegation was admitted. The Panel also found the allegation to be corroborated by the documents before it. The Panel therefore found this allegation proven.

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

In considering the allegations that the Panel has found proven, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘Guidance’.

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

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

The Panel is satisfied that the conduct of Mr Luke Stephens fell significantly short of the standards expected of the profession.

The Panel has also considered whether Mr Stephens’s conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the Guidance and we have found that the conduct did display behaviour associated with an offence relating to or involving sexual activity, in that it led to a caution for an offence under the Sexual Offences Act 2003. The Guidance indicates that where behaviours associated with such an offence exist, a Panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

Accordingly, the Panel is satisfied that Mr Luke Stephens’ behaviour amounts to unacceptable professional conduct.

In considering whether Mr Stephens’ behaviour also amounts to conduct that may bring the profession into disrepute, 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 also took into account that at the relevant time Mr Stephens was a Deputy Head Teacher and designated Child Protection Officer.

The Panel therefore finds that Mr Luke Stephens' 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/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 Guidance 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 and declaring and upholding proper standards of conduct.

There is a public interest consideration in respect of the protection of pupils given the Panel's finding that Mr Stephens failed to maintain professional boundaries, by, amongst other things, sending inappropriate text messages and e-mails to a pupil and having inappropriate physical contact by hugging the pupil and, on one occasion, kissing her.

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

Similarly, the Panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as Mr Stephens' actions were outside those 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 Stephens.

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 Stephens. The Panel took further account of the Guidance, which suggests that a

Prohibition Order is likely to 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 as follows.

- Serious departure from the personal and professional conduct elements of the teachers' standards.

The Panel found that Mr Stephens' roles as Deputy Head Teacher and designated Child Protection Officer were important in judging the severity of his departure from these standards.

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

Notwithstanding the evidence that student A's academic performance was excellent, the Panel took into consideration the risks to student A if Mr Stephens' conduct had been allowed to continue and also the potential effect of his conduct on other pupils, including contemporaries of student A when Mr Stephens was giving particular attention to student A, for example by sending e-mails to student A during school hours.

- Abuse of position or trust ... or violation of the rights of pupils.
- Sexual misconduct, eg 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.

The Panel did not find that Mr Stephens was acting under duress, nor did it find that Mr Stephens' actions were not deliberate.

The Panel did hear that Mr Stephens had a previously good record however and considered seven statements attesting to Mr Stephens' previously good character, his ability to inspire students and colleagues and his abilities as a teacher. These statements were given by former students and former colleagues at the School.

Taking all of this into consideration, the Panel is of the view that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Stephens. Mr Stephens' roles as a Deputy Head Teacher and designated Child Protection Officer, the fact that his conduct continued over many months, and his acknowledgment that he knew that his conduct was inappropriate and yet did not manage to extricate himself from the situation, were significant factors in forming that opinion. The Panel also notes that Mr Stephens attended a child protection update session in February 2012, around the time that the relevant events commenced.

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 it to decide to recommend that a review period of the order should be considered. The Panel was mindful that the Guidance 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 two years.

The Guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these is serious sexual misconduct, eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons..

The Panel has already found that Mr Stephens' conduct involved sexual misconduct, as indicated above. However, the Guidance distinguishes between sexual misconduct, when considering whether a Prohibition Order is appropriate and serious sexual misconduct when considering whether a review period is appropriate. The Panel considers all sexual misconduct to be a grave matter for a teacher. However, the Panel did not find that Mr Stephens' conduct fell within the description of serious sexual misconduct as set out in the Guidance. The facts found proven relate to inappropriate communications, hugging and a kiss. In the range of possible sexual misconduct (all of which is a grave matter), the Panel views the proven conduct to be at the lower end of the range of severity and specifically finds that the conduct does not relate to serious sexual misconduct for the purposes of the Guidance.

The Panel also considered Mr Stephens' early admission of his conduct and the fact that he now shows remorse for his conduct, accepts that his conduct was inappropriate and that blame "*lies squarely upon [his] shoulders*".

The Panel felt 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 provision for Mr Stephens to be able to apply for the Prohibition Order to be set aside after three years have elapsed.

The Panel notes the evidence that at the time that the events giving rise to this Prohibition Order took place Mr Stephens was struggling to cope with a close relative being diagnosed with cancer, the breakdown of a relationship and the effect that had on his mental health. Mr Stephens asserts in his statement to the Panel that he has "*addressed the underlying issues that exacerbated [his] poor decisions*". The Panel has however seen no evidence of this save for Mr Stephens' own assertion and notes that Mr Stephens appears, from his statement to the Panel, to be in the process still of resolving issues stemming from the relationship breakdown. The Panel believes therefore that Mr

Stephens will need three years to reflect on his conduct and demonstrate that he has fully resolved those issues, including managing his health issues. The Panel does note the evidence that he was, save for this conduct, an excellent teacher. It believes that if a review period longer than three years is provided for, there is a risk that Mr Stephens will have been away from teaching for too long to be of the same usefulness to a school, even if he were to make an application and even if that application were to result in any Prohibition Order being set aside.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations that the panel has made both in respect of sanction and review.

The panel has found the facts of the case proven – and there have also been admissions by Mr Stephens to all of the allegations.

The panel has also found that the facts found proven amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel are very clear as to the serious nature of the behaviour that has been found proven in this case. This falls seriously short of what is acceptable for a teacher and was a serious departure from the expected standards.

I have carefully considered the interests of both the public and Mr Stephens in this case. This case sets out behaviours that include sexual misconduct and as such I support the view of the panel that a prohibition order is proportionate.

I have also given careful consideration to the matter of a review period. It is to Mr Stephens credit that he has admitted the allegations against him. However, the panel are also clear that Mr Stephens has still to address the underlying issues behind his behaviour. I have taken into account the seriousness of the behaviour as well as the mitigation and insight put forward on behalf of Mr Stephens. On balance I consider that the panel's recommendation is a proportionate one and I support the view that a three year review period will enable Mr Stephens to reflect on his behaviour and demonstrate that he has resolved the issues that led to it.

This means that Mr Luke Stephens 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 3 October 2017, 3 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 Luke Stephens remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Luke Stephens 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', with a stylized flourish at the end.

NAME OF DECISION MAKER: Alan Meyrick

Date: 26 September 2014

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