



National College for
Teaching & Leadership

Mr Stephen Allenby Professional conduct panel outcome

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

May 2017

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

Teacher: Mr Stephen Allenby
Teacher ref number: 0653090
Teacher date of birth: 25 August 1973
NCTL case reference: 15221
Date of determination: 31 May 2017
Former employer: Malet Lambert School (the “School”)

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 30 May 2017 at The Ramada Hotel, The Butts, Coventry, CV1 3GG, to consider the case of Mr Allenby.

The panel members were Mr John Armstrong (lay panellist – in the chair), Mrs Julia Bell (teacher panellist) and Ms Karen McArthur (lay panellist).

The legal adviser to the panel was Ms Laura Ellis of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Ms Samantha Paxman of Browne Jacobson LLP.

Mr Allenby was represented by Ms Jeanette Gay of the National Union of Teachers. Neither he nor Ms Gay were present at the hearing.

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 December 2016.

It was alleged that Mr Allenby was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Malet Lambert School in the period September 2014 - September 2015 he:

1. Engaged in inappropriate communications and/or failed to maintain professional boundaries with Pupil A, in that he:
 - a. Spoke to and/or exchanged messages/images with her via mobile phone and/or social media applications on one or more occasions;
 - b. On one or more occasions, made a comment of an inappropriate nature;
 - c. Attempted to keep his relationship and/or communications a secret;
 - d. Watched Pupil A fall asleep on FaceTime and took a screenshot(s) of her;
 - e. Told Pupil A that he loved her;
 - f. Sent Pupil A text messages whilst he was in class teaching;
 - g. Took a photograph of Pupil A's brother whilst teaching him in class.
2. His conduct in relation to one or more of allegations 1a-1g was sexually motivated.

Mr Allenby admits the substance of allegations 1a., 1b., 1d., 1f. and 1g., although he states that they should refer to 'Young Person A' rather than 'Pupil A' as he asserts that the individual in question was no longer a pupil at the time of the alleged misconduct. However, the panel notes the presenting officer's submission that it is the National College's custom to use the term 'pupil' when referring to both current pupils and former pupils. Furthermore, the panel considers that regardless of the terminology used to refer to Pupil A/Young Person A, Mr Allenby's admissions do appear to relate to the same person, so there is no confusion in this regard.

Mr Allenby also admits that allegations 1a., 1b., 1d., 1f., and 1g., amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr Allenby does not admit allegations 1c., 1e., and 2.

C. Preliminary applications

Application by the presenting officer to proceed in Mr Allenby's absence

The panel has considered whether this hearing should continue in the absence of Mr Allenby.

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

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

The panel has determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of Mr Allenby.

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

In making its decision, the panel has noted that Mr Allenby may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones [2003] 1 AC1*. The panel is satisfied that Mr Allenby is aware of the proceedings, as his legal representative has been in correspondence with the presenting officer and stated to the presenting officer that Mr Allenby does not intend to attend the hearing. Furthermore, Mr Allenby's representative has stated to the presenting officer that no special arrangements will assist his ability to attend and that he would not like the National College to make any such arrangements. Mr Allenby has submitted written representations to the panel, in which he states that his decision not to attend is related to health issues (albeit that the panel has not seen any medical evidence regarding this). Mr Allenby's representative has stated to the presenting officer that the health concerns are not short term and that if the hearing were to be adjourned he would not be likely to attend at a relisted date. The panel has seen a copy of this written correspondence from Mr Allenby's representative. The panel therefore considers that Mr Allenby has waived his right to be present at the hearing, in the knowledge of when and where the hearing is taking place.

The panel has 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 is no indication that an adjournment might result in Mr Allenby attending the hearing for the reasons explained above.

The panel has had regard to the extent of the disadvantage to Mr Allenby in not being able to give his account of events, having regard to the nature of the evidence against him. The panel has the benefit of Mr Allenby's written representations and is therefore able to ascertain his lines of defence to the allegations he disputes, as well as the basis of his acceptance of the allegations he admits. These contain evidence addressing mitigation, and the panel is able to take this into account at the relevant stage. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in whether the hearing should be adjourned for such documents to become available and in 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 Mr Allenby's account verbally.

The panel has had regard to the seriousness of this case and the potential consequences for Mr Allenby, and has accepted that fairness to Mr Allenby is of prime importance. However, it considers that in light of Mr Allenby's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; 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 today.

Application by Mr Allenby to admit additional documents

Ms Gay requested to admit additional written representations (undated) and the presenting officer did not object to this. Ms Paxman also requested to admit a copy of an email that she had received from Mr Allenby's representative dated 25 May 2017 regarding Mr Allenby's decision not to attend the hearing. The panel decided to exercise its discretion under paragraph 4.18 of the Procedures to admit these, as it considered that they are relevant to the case and that their admission is fair to both parties.

References to medical matters

The panel noted that Ms Gay's additional written representations stated that Mr Allenby did not wish to make an application for the hearing to be held in private but requested that any references to medical matters remain confidential. Ms Paxman did not object to the application. The panel did not consider this to be contrary to the public interest and therefore allowed this under its discretion to do so pursuant to paragraph 11b of the Regulations and 4.57b of the Procedures.

Pupil A

Ms Paxman explained that Pupil A (who has provided a witness statement in the hearing bundle) has decided not to attend the hearing to provide oral evidence. Ms Paxman explained efforts had been made to try to secure Pupil A's attendance and requested the panel to consider the contents of Pupil A's statement as hearsay evidence.

When one party submits a document to the other party and the panel, at least 4 weeks prior to the hearing in accordance with paragraph 4.20 of the Procedures, and its admissibility is not disputed (as here), the panel's permission is not normally required for it to be admitted as hearsay evidence. However, when a witness does not attend a hearing and their statement is relied upon by one party as hearsay evidence, there is no opportunity for the other party to cross-examine that witness. The panel has therefore considered whether it is fair to the parties for the statement to be admitted as hearsay evidence. Paragraph 4.18 of the Procedures states that the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

Firstly, in this case, Mr Allenby has voluntarily waived his right to attend the hearing and/or instruct a representative to attend on his behalf. Therefore even if Pupil A had attended the hearing, she would not have been cross-examined. There is no indication that Mr Allenby intended to instruct a representative to cross-examine Pupil A. Secondly, the panel is conscious of the fact that hearsay evidence carries less weight than oral evidence that has been tested under cross-examination, and can bear this in mind when reaching its decision. Thirdly, Pupil A was the main witness to the alleged misconduct that led to the allegations. The statement is therefore relevant to the case and there is a public interest in enabling the National College to present its case to the best of its ability. For these reasons, the panel is content to admit the statement as hearsay evidence pursuant to paragraph 4.18 of the Procedures.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 4

Section 2: Notice of Proceedings and Response – pages 4 to 16

Section 3: NCTL witness statements – pages 17 to 21

Section 4: NCTL documents – pages 22 to 525

Section 5: Mr Allenby's documents – pages 526 to 571

In addition, the panel agreed to accept the following:

Additional written representations from Mr Allenby – pages 572 to 582

Email from Mr Allenby's legal representative dated 25 May 2017 – page 583

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

Witnesses

No witnesses gave oral evidence (see above regarding Pupil A).

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Allenby was employed at the School from 1 January 2014 as a Lead Practitioner in Mathematics. He was subsequently promoted to the Head of Mathematics on 10 September 2014.

Pupil A was one of Mr Allenby's students. [redacted].

During September 2015, Pupil A's parents allegedly found evidence of inappropriate communications on Pupil A's personal electronic devices and reported it to the School and police. On 18 September 2015 Mr Allenby was suspended from the School and arrested. Meetings took place with the Hull Safeguarding Children Board and the School subsequently conducted an investigation. On 11 March 2016 Mr Allenby resigned from the School with effect from 31 March 2016.

Findings of fact

Our findings of fact are as follows:

The panel must decide whether the facts of the case have been proved on the balance of probabilities. The panel has found the following particulars of the allegations against you proven, for these reasons:

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a

**teacher at Malet Lambert School in the period September 2014-September 2015
you:**

1. Engaged in inappropriate communications and/or failed to maintain professional boundaries with Pupil A, in that you:

a. Spoke to and/or exchanged messages/images with her via mobile phone and/or social media applications on one or more occasions;

The panel has seen copies of some of the messages that Mr Allenby sent to Pupil A, which are extensive. These appear to have been sent over a period of a few months from June 2015, whilst Mr Allenby was a teacher at the School and shortly after Pupil A left [redacted]. Some of the messages were sent during the night and into the early hours of the morning. The panel notes that the School's internal investigation found that messages had been exchanged on a variety of social media platforms. The panel has also seen a copy of a letter from Humberside Police that states that during forensic examination of Mr Allenby's electronic equipment, the police found "several thousand" messages that he had exchanged with Pupil A that were considered to be inappropriate between a teacher and pupil. Mr Allenby admits the substance of this allegation (see above). For these reasons, it is found proved.

b. On one or more occasions, made a comment of an inappropriate nature;

The panel considers that the content of the majority of the messages that it has seen were inappropriate for a teacher to send to a pupil as they were of a personal and sometimes intense nature, overly familiar and some contained sexual references. Some of the messages also discuss trying to prevent other people from disturbing the conversations. Mr Allenby admits the substance of this allegation (see above). For these reasons, it is found proved.

c. Attempted to keep your relationship and/or communications a secret;

The panel has seen messages that Mr Allenby sent to Pupil A in which he discussed hiding their conversations from other people and stated that other people would find their conversations strange given their relationship of teacher and pupil. In some messages he discussed waiting for his wife to go to bed so that he could communicate with Pupil A more. In one message he said that he could have a secret chat whilst in a bath as no one could see him. The panel has also seen a discussion about hiding the conversations from Pupil C. Pupil A's witness statement and the notes from her interview with the School on 16 November 2015 state that Mr Allenby suggested that she save his contact details under a pseudonym in her phone and delete his messages to prevent her father from seeing them. She stated that she saved his name as 'Rob' and this is supported by messages in the bundle, in which this is discussed. The panel noted that this was one of

at least three different pseudonyms used to describe Mr Allenby, that are evidenced by the messages exhibited in the bundle.

The panel notes that Mr Allenby denies this allegation, but it finds the allegation proved.

d. Watched Pupil A fall asleep on FaceTime and took a screenshot(s) of her;

Pupil A's witness statement and the notes from Pupil A's interview with the School state that on one occasion whilst she was communicating with Mr Allenby using a platform called FaceTime at night, she fell asleep and Mr Allenby sent her a screenshot of this. Mr Allenby admits the substance of this allegation (see above). For these reasons, it is found proved.

e. Told Pupil A that you loved her;

The panel has seen copies of messages in which Mr Allenby wrote "love you" to Pupil A and therefore the allegation is found proved on the facts. The panel notes that Mr Allenby says that it was meant as a joke rather than a serious affirmation of love, but considers that regardless of his motivation at the time, the messages were inappropriate. The panel also notes that Ms Gay's representations state that there are several messages in which Mr Allenby used these words, which it finds concerning.

f. Sent Pupil A text messages whilst you were in class teaching;

The panel has seen copies of messages that Mr Allenby sent to Pupil A during the school day and in some of these he acknowledges that he was teaching lessons at the time. Mr Allenby admits the substance of this allegation (see above). For these reasons, it is found proved.

g. Took a photograph of Pupil A's brother whilst teaching him in class.

Mr Allenby admits that on one occasion he took a photograph of Pupil A's brother in class and sent it to Pupil A. This allegation is found proved.

2. Your conduct in relation to one or more of allegations 1a-1g was sexually motivated.

The panel is of the view that on the balance of probabilities, a reasonable person would consider Mr Allenby's messages to Pupil A to have been sexually motivated.

Furthermore, the panel considers that it is more likely than not that the purpose of Mr Allenby's actions was sexual. This is due to the frequency and content of the messages, in addition to the fact that many were sent throughout the night / early morning.

Some messages included sexual innuendo and compliments regarding Pupil A's physical appearance. In one conversation he stated that they were 'soul mates', in another he stated that he did not want the messaging to end, and in another he said that he missed

Pupil A. The panel has seen messages in which he compared their relationship to a relationship between one of Pupil A's friends and an older teenager. There were also messages in which he stated that they should be honest about their feelings. Some of the messages intensely discussed the nature of their relationship. In many messages Mr Allenby discussed hiding their conversations from his wife. The notes of Pupil A's interview with the School state that Pupil A recounted one occasion on which Mr Allenby told her that he had dreamed about her, which included some details that suggested the dream was of a sexual nature. The panel notes that Mr Allenby accepts that he once made reference to dreaming about Pupil A in the Statement of Agreed Facts.

The panel notes Mr Allenby's assertions that many of his comments were intended only as friendly 'banter' and that he felt able to discuss personal issues with Pupil A as a friend, but notes that there is very little reference in the messages that it has seen to those personal issues. In light of the frequency and content of the messages, the panel does not consider that they can be explained in this way. Ultimately they are much more suggestive of someone trying to build a sexual relationship (albeit that there is no suggestion that any physical contact took place).

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

The panel is satisfied that the conduct of Mr Allenby in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Allenby 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 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 is satisfied that the conduct of Mr Allenby fell significantly short of the standards expected of the profession. It also constituted a breach of the School's policies (namely the 'Code of Conduct' and 'Safety in a Digital World and Acceptable Use' Policy). The panel notes that Mr Allenby states that his safeguarding training was out of date, but, he was an experienced teacher and therefore would have received safeguarding training previously during his career.

There is also no evidence that Mr Allenby considered the adverse impact that his behaviour could have upon Pupil A. The panel was troubled by the frequency, volume and oppressive nature of Mr Allenby's communications, which the panel felt appeared to be motivated by a desire to control Pupil A.

The panel has also considered whether Mr Allenby's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel considers that none of these offences are relevant in this case.

The panel notes that Mr Allenby's messages to Pupil A were sent both within and outside the education setting, but considers that the messages were part of the same pattern of behaviour. Mr Allenby was in a position of trust in relation to Pupil A because he had been her maths teacher. Mr Allenby met Pupil A at the School whilst he was her teacher, and the relationship arose from that context.

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

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

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore finds that Mr Allenby's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of the allegations proved, the panel further finds that Mr Allenby's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct/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 light of the panel's findings against Mr Allenby, which involved sexually motivated behaviour towards a pupil, there is a strong public interest consideration in the protection of pupils given the serious finding of an inappropriate relationship with a child. Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Allenby were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. The panel found that Mr Allenby's actions were deliberate and that he was not acting under duress. The panel also understands that Mr Allenby

previously had a good history as a teacher and that there are no previous findings of misconduct in relation to him.

The panel has considered the mitigation submitted by Mr Allenby, which refers to personal and medical issues that may have had an impact upon his judgment (although the panel has seen no medical evidence to support this). The panel has also considered the four references from Mr Allenby's previous employers which are complimentary of his teaching ability, although some of these are a few years old. In addition, there is no indication that Mr Allenby has targeted any other pupil during his career with the same type of messages that he sent to Pupil A.

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

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Allenby. The panel's findings that Mr Allenby abused his position of trust in relation to Pupil A and that his conduct was sexually motivated were significant factors in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend 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 proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct, e.g. 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. However, although the panel considers that Mr Allenby did abuse his position of trust and that his actions towards Pupil A were sexually motivated, the panel does not consider that his misconduct constituted 'serious sexual misconduct' that justifies no review period. This is because Mr Allenby did not initiate any physical contact towards Pupil A and his misconduct was limited to the inappropriate messages. Therefore considering all of the

circumstances of the case, the panel finds his misconduct to be at the lower end of the spectrum of seriousness.

The panel notes that Mr Allenby appears to have shown some insight into the seriousness of the allegations in his representations to the National College and that he admitted some of them. However, there is no evidence that he demonstrated any insight into the inappropriateness of his behaviour at the time of his messages to Pupil A, as he encouraged her to reciprocate them and did not appear to consider the detrimental impact of his behaviour upon her welfare. The panel considers that this is particularly important as she was a vulnerable young person [redacted], whilst he was an adult with much more life experience who had been in a position of trust in relation to her during that academic year. Furthermore, the messages were brought to an end not by Mr Allenby, but by Pupil A's father reporting Mr Allenby's conduct to the School.

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 a review period after three 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 sanction and review period.

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

In this case the panel has found 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 Allenby should be the subject of a prohibition order, with a review period of 3 years.

In particular the panel has found that Mr Allenby 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 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 has set out that it is satisfied that the conduct of Mr Allenby fell significantly short of the standards expected of the profession. It also constituted a breach of the School's policies (namely the 'Code of Conduct' and 'Safety in a Digital World and Acceptable Use' Policy). The panel has also noted that Mr Allenby states that his safeguarding training was out of date, but, he was an experienced teacher and therefore would have received safeguarding training previously during his career.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Allenby, and the impact that will have on him, is proportionate.

In this case I have firstly considered the extent to which a prohibition order would protect children. The panel has stated that it has observed "no evidence that Mr Allenby considered the adverse impact that his behaviour could have upon Pupil A. The panel was troubled by the frequency, volume and oppressive nature of Mr Allenby's communications, which the panel felt appeared to be motivated by a desire to control Pupil A."

In my view a prohibition order would therefore prevent such a risk from being present whilst it is in force. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "Mr Allenby appears to have shown some insight into the seriousness of the allegations in his representations to the National College and that he admitted some of them. However, there is no evidence that he demonstrated any insight into the inappropriateness of his behaviour at the time of his messages to Pupil A, as he encouraged her to reciprocate them and did not appear to consider the detrimental impact of his behaviour upon her welfare."

In my judgement this lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils' well-being. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the conduct displayed would likely

have a negative impact on the individual's status as a teacher, potentially damaging the public perception."

I am particularly mindful of the behaviours that have been found to be present in this case:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

I have noted the panel's comments that they did not however find serious sexual misconduct in this case.

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

I have also 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 Allenby himself. I have read the panel's comments on his previous record and the references made to his previous career in teaching.

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

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "she was a vulnerable young person [redacted], whilst he was an adult with much more life experience who had been in a position of trust in relation to her during that academic year. Furthermore, the messages were brought to an end not by Mr Allenby, but by Pupil A's father reporting Mr Allenby's conduct to the School."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Allenby has made and is making 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 that is not backed up by sufficient 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 aims which a prohibition order is intended to achieve.

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 "Mr Allenby did not initiate any physical contact towards Pupil A and his misconduct was limited to the inappropriate messages. Therefore considering all of the circumstances of the case, the panel finds his misconduct to be at the lower end of the spectrum of seriousness."

The panel has also said that a 3 year review period would "be proportionate in all the circumstances."

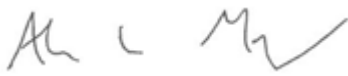
I have considered whether a 3 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the sexual misconduct found, the lack of sufficient insight or remorse, and the abuse of his position of trust.

I consider therefore that a 3 year review period is required to satisfy the maintenance of public confidence in the profession and is proportionate.

This means that Mr Stephen Allenby 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 12 June 2020, 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 Stephen Allenby remains prohibited from teaching indefinitely.

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

Mr Stephen Allenby 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.

Handwritten signature of Alan Meyrick in grey ink.

Decision maker: Alan Meyrick

Date: 6 June 2017

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