



Teaching
Regulation
Agency

Mr Stuart Hubble: Professional conduct panel meeting outcome

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

January 2022

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	10

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

Teacher:	Mr Stuart Hubble
Teacher ref number:	9137294
Teacher date of birth:	15 July 1969
TRA reference:	17854
Date of determination:	13 January 2022
Former employer:	St Clare's, Oxford (the "School")

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 13 January 2022, remotely, to consider the case of Mr Stuart Hubble.

The panel members were Ms Mona Sood (lay panellist – in the chair), Mr John Martin (teacher panellist) and Mr Roger Woods (former teacher panellist).

The legal adviser to the panel was Mr Phil Taylor 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 Hubble that the allegation(s) be considered without a hearing. Mr Hubble provided a signed statement of agreed facts.

The panel considered the case at a meeting without the attendance of the presenting officer or Mr Hubble.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

Allegations

The panel considered the allegation(s) set out in the notice of meeting dated 7 January 2022.

It was alleged that Mr Hubble was guilty of having been convicted at any time of a relevant offence, in that:

1. On or around 13 December 2019 he was convicted at Oxford Magistrates Court of three counts of 'Sexual Activity with female 13-17, offender does not believe the victim is over 18 abused position of trust on 01/02/18 – 31/08/19 contrary to Sexual Offences Act 2003 s.16(1)(e)(i).'

The teacher has admitted allegation 1 in that he was convicted of three offences at Oxford Magistrates Court on 13 December 2019. He has admitted to three counts of Sexual Activity with female 13-17, offender does not believe the victim is over 18 abused position of trust on 01/02/18 – 31/08/19 for which he was sentenced to 12 months, suspended for 24 months, to run concurrently.

The teacher has admitted that the facts of allegation 1, which he has admitted, amount to conviction, at any time, of a relevant offence.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology – pages 2

Section 2: Notice of Referral, response, and Notice of Meeting – pages 4 to 14

Section 3: Statement of Agreed Facts and presenting officer representations – pages 16 to 19

Section 4: Teaching Regulation Agency documents – pages 21 to 101

Section 5: Teacher documents – pages 103 to 105

The panel members confirmed that they had read all of 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 Hubble on 4 June 2021.

Decision and reasons

The panel announced 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 Hubble 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 Hubble was employed at the School from 1 September 2013 until 7 February 2019. In December 2018, the School received reports of a serious safeguarding allegation against Mr Hubble, relating to sexual activity with a student who was 17 years old at the time. He was suspended from his employment at the School. Mr Hubble was interviewed by the police on 14 December 2018.

Following a police interview with Pupil A, Mr Hubble was arrested and interviewed by the police on 7 January 2019. He admitted a breach of position of trust and that he was in a relationship with Pupil A.

On 21 January 2019, Mr Hubble attended an investigation meeting at the School where he admitted an allegation of abuse of trust by engaging in a sexual relationship with a student at the School.

On 13 December 2019, Mr Hubble was convicted at Oxford Magistrates Court, as set out in the particulars of this case.

On 7 February 2019, Mr Hubble attended a disciplinary hearing at the School, accompanied by a trade union representative. The outcome of the hearing was that he was found guilty of gross misconduct and was summarily dismissed. This was confirmed to Mr Hubble in writing on that same day.

On 21 January 2020, Mr Hubble was sentenced at Oxford Crown Court to 12 months' imprisonment suspended for 24 months, the three sentences to run concurrently. He was also sentenced to a five-year sexual harm prevention order, 180 hours unpaid work, and placed on the sex offenders' register for 10 years.

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:

You have been convicted, at any time, of a relevant offence, in that:

- 1. On or around 13 December 2019 you were convicted at Oxford Magistrates Court of three counts of ‘Sexual Activity with female 13-17, offender does not believe the victim is over 18 abused position of trust on 01/02/18 – 31/08/19 contrary to Sexual Offences Act 2003 s.16(1)(e)(i).’**

This allegation was admitted and supported by the evidence presented to the panel, in particular the statement of agreed facts signed by Mr Hubble, as well as a certificate of conviction from Oxford Crown Court, dated 3 March 2021, which the panel accepted as proof of the commission of the offences concerned. The panel noted that the bundle contained other admissions made by Mr Hubble at various times, including in a written statement made on 4 June 2021.

There was no evidence put before the panel which suggested that there was not a conviction as alleged. The allegation was therefore found proved.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to conviction, at any time, of a relevant offence.

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 Hubble in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Hubble was in breach of the following standards:

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

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

The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting. The conduct found proven, involving sexual activity with a pupil, was clearly incompatible with the role of a teacher, who is a person placed in a position of trust with a duty of care to their pupils. The panel considered that behaviour of the nature found proven here, indicated a significant impact on the mental health and wellbeing of the pupil involved, and possibly other pupils and members of staff at the School.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Hubble's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Hubble's behaviour ultimately led to a sentence of imprisonment (albeit that it was suspended), which was indicative of the seriousness of the offences committed. Mr Hubble had also been made subject to a five-year sexual harm prevention order and placed on the sex offenders' register for 10 years. In addition, this was a case involving an offence of sexual activity, which the Advice states is likely to be considered a relevant offence.

The panel considered the written statement prepared by Mr Hubble on 4 June 2021, in which he set out details of his teaching and extra-curricular work, and the circumstances surrounding the relevant incidents. The panel took into consideration Mr Hubble's account of the emotional difficulties he said he was suffering at the relevant time as a result [REDACTED] as well as the work he was undertaking with the probation service to address the issues surrounding the case. However, the panel did not consider that anything in the statement materially affected its view on whether the facts of the proved allegation amounted to conviction of a relevant offence.

Finally, the panel noted that Mr Hubble had admitted in the statement of agreed facts that the admitted facts amounted to conviction, at any time, of a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Hubble's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 the following to be relevant in this case: the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel's findings against Mr Hubble involved sexual activity while in a position of trust and with a pupil under his care. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hubble 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 Hubble was outside that which could reasonably be tolerated. The panel considered that, whilst no doubt had been cast on Mr Hubble's ability as an educator, any interest in retaining him in the profession was outweighed by his breach of the trust placed in him.

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 Hubble.

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 Hubble. 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;
- abuse of position or trust;
- sexual misconduct, for example, 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; and

- the commission of a serious criminal offence.

In relation to the first bullet point, the panel considered that a conviction of this nature indicated conduct which fell far short of the standards expected of the profession.

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.

The panel noted that Mr Hubble had cooperated with the TRA and had made full admissions. The panel took note of Mr Hubble's written mitigation, and comments that had been made in the Crown Court judge's sentencing remarks as to a 'powerful letter of support' from [REDACTED] and 'great praise' that others had for him, although it noted that no third party references had been presented in the hearing bundle.

Although the panel recognised that, at the time, Mr Hubble was experiencing difficulties in his personal life, there was no evidence to suggest that Mr Hubble had been acting under duress. The panel found that Mr Hubble's actions were deliberate.

The panel noted that, according to his own written statement, Mr Hubble appeared to have had lengthy and broad experience as a teacher and had contributed in a number of ways to the education of pupils and the life of the School, and previous schools. However, no references were provided from any colleagues that could attest to Mr Hubble's abilities as a teacher.

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. Mr Hubble had been convicted of a serious offence, and recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the potential severity of the consequences for Mr Hubble 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 Hubble. The fact that Mr Hubble had been in a position of trust and responsibility towards Pupil A and had nevertheless embarked on a sexually motivated relationship with her 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. One of these is serious sexual misconduct, such as 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 his professional position to influence or exploit a person or persons. The panel found that Mr Hubble had been convicted of a serious sexual offence, which had been committed while in a position of trust.

In the panel's view, Mr Hubble had showed a degree of insight and remorse in his written statement. He had expressed 'shame and regret' and 'guilt', and acknowledged the negative impact his actions will have had on the staff and students at the School as well as Pupil A. However, the panel did not feel that the degree of insight and remorse shown outweighed the considerations it had already outlined, which pointed towards the recommendation of no review period.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Hubble 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 findings of misconduct are particularly serious as they include a finding of a relevant conviction involving "sexual activity with female 13-17, offender does not believe the victim is over 18,".

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 a relevant conviction 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 Hubble, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "that behaviour of the nature found proven here, indicated a significant impact on the mental health and wellbeing of the pupil involved, and possibly other pupils and members of staff at the School."

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, "In the panel's view, Mr Hubble had showed a degree of insight and remorse in his written statement. He had expressed 'shame and regret' and 'guilt', and acknowledged the negative impact his actions will have had on the staff and students at the School as well as Pupil A. However, the panel did not feel that the degree of insight and remorse shown outweighed the considerations it had already outlined,". In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

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

could be seriously weakened if conduct such as that found against Mr Hubble were not treated with the utmost seriousness when regulating the conduct of the profession.”

I am particularly mindful of the finding of sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of a relevant conviction 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 Hubble himself. The panel comment “The panel considered that, whilst no doubt had been cast on Mr Hubble’s ability as an educator, any interest in retaining him in the profession was outweighed by his breach of the trust placed in him.”

A prohibition order would prevent Mr Hubble 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, “Mr Hubble had been in a position of trust and responsibility towards Pupil A and had nevertheless embarked on a sexually motivated relationship.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hubble 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 full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel’s comments “The panel found that Mr Hubble had been convicted of a serious sexual offence, which had been committed while in a position of trust.”

I have considered whether allowing for a no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, there are factors which mean that a no review period is necessary to achieve the aim of maintaining public confidence in the profession. These factors are the nature of the misconduct, the abuse of trust and the lack of full insight or remorse.

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

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

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

Mr Stuart Hubble 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 blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 14 January 2022

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