



Teaching
Regulation
Agency

Mr Paul Stead: Professional conduct panel outcome

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

March 2022

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

Teacher:	Mr Paul Stead
Teacher ref number:	8837850
Teacher date of birth:	10 April 1964
TRA reference:	19850
Date of determination:	10 March 2022
Former employer:	Meadows School, Kent

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means, to consider the case of Mr Paul Stead.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Mr Steve Woodhouse (teacher panellist) and Ms Hilary Jones (lay panellist).

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

The presenting officer for the TRA was Mr Jacob Rickett of Capsticks LLP solicitors.

Mr Stead was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The allegations set out in the notice of proceedings dated 10 December 2021 were as follows.

It was alleged that Mr Stead was:

guilty of having been convicted of a relevant offence, in that, on 14 August 2019, at Mid Kent Magistrates' Court he was convicted of the following offence:

1. On 15 March 2019 – one account of assault occasioning actual bodily harm, contrary to the Offences Against the Person Act 1861, s47.

In the absence of a response from the teacher, neither the allegations, nor that the allegation constituted a conviction of a relevant offence are admitted.

Preliminary application

Applicable Procedures/ Advice

Given the date of the referral to the TRA in this case, the panel applied the Teacher Misconduct: Disciplinary procedures for the teaching profession published in May 2020.

The panel also applied the Teacher misconduct: the prohibition of teachers advice published in February 2022.

Application to proceed in Mr Stead's absence

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

The panel is satisfied that TRA 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 complied with paragraphs 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures"). Although the hearing date was postponed and Mr Stead informed of the new date by way of a letter dated 26 January 2022, Mr Stead confirmed receipt of that notification, and subsequently indicated that he was content for the hearing to proceed in his absence. Thereby the panel considered that these were circumstances, in which Mr Stead had agreed to not having 10 weeks' notice of the new hearing date, as is permitted by paragraph 5.23 of 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 the teacher.

The panel has taken as its starting point the principle from R v Jones that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis.

In making its decision, the panel has noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC1.

- 1) Mr Stead has confirmed receipt of the letter confirming the new hearing date. He has in response indicated that due to his “[REDACTED] unable to attend the hearing on 10 March and [he is] content for the hearing to proceed in [his] absence”, and he attached a report of a [REDACTED]”. In a discussion with a colleague of the presenting officer, Mr Stead stated that the stress of presenting any mitigation, providing reports and [REDACTED] and that he “needs to move on”. He stated that he could not [REDACTED] face a panel and have three people sitting there judging him and the circumstances”. With regard to the possibility of adjourning, Mr Stead stated that “he does not wish to attend the hearing ever and just would like the matter dealt with and behind him so that he can move on”. In those circumstances, and in the [REDACTED], the panel considered Mr Stead had voluntarily waived his right to attend the hearing in the knowledge of when and how it was taking place.
- 2) The panel did not consider that there was any prospect of Mr Stead attending if the hearing was rescheduled to take place at a later date.
- 3) Mr Stead has not indicated any wish to be represented at the hearing.
- 4) The panel is able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher’s account.
- 5) The panel has clear evidence as to the reasons for Mr Stead not attending, and there is no risk of reaching an improper conclusion as to the reason for his absence.
- 6) The panel has recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

- 7) The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The offence alleged involves a victim who will likely have an interest in having the allegations determined within a reasonable time.
- 8) The panel notes that there are no witnesses to be called, and therefore the effect of delay on the memories of witnesses is not a factor to be taken into consideration in this case.

The panel has decided to proceed with the hearing in the absence of Mr Stead. The panel considers that in light of the teacher's waiver of his right to appear; 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 to Amend the Allegations

An application was made by the presenting officer to amend the notice of proceedings by so that it would read:

"You were convicted of a relevant offence in that on 19 June 2019, you were convicted of the following offence:

1. *On 15 March 2019 – one count of Assault occasioning actual bodily harm, contrary to the Offences against the Person Act 1861 s47."*

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

The panel considered that the amendment proposed, being a correction of a typographical error as to the date of the conviction, does not change the nature, scope or seriousness of the allegations. There is no prospect that Mr Stead would have responded differently to the allegations had the amendment been made at an earlier stage, and therefore no unfairness or prejudice is caused to Mr Stead.

The panel therefore amended the allegation as proposed.

Application to hear evidence/ submissions in private

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 and paragraph 5.85 of the Procedures to exclude the public from all or part of the hearing. The panel determined to exercise its discretion under paragraph 5.85(i) of the Procedures that the public should be excluded from the hearing to the extent any submissions were to be made regarding matters pertaining to the teacher's health or the identity of the victim, given the

confidentiality afforded to such matters. The panel considered this request to be a reasonable one and that excluding the public from parts of the hearing only relating to such matters was preferable to hearing the case in private.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people– pages 1 to 4

Section 2: Notice of proceedings and response – pages 5 to 15

Section 3: Teaching Regulation Agency documents – pages 16 to 37.

In addition, the panel agreed to accept a small bundle of 21 pages relating to communications with Mr Stead regarding attendance at the hearing. It was considered fair to admit these documents in order that the panel could fully consider the issue of whether to proceed in Mr Stead's absence. These were incorporated into the bundle at:

Section 4: Additional correspondence – pages 38 – 58.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. The panel also read the additional documents that it had decided to admit, prior to taking the decision to proceed in Mr Stead's absence.

Witnesses

The panel heard no oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

From 15 November 2004, Mr Stead had been employed at Meadows School. He held the post of Key Stage 4 Manager and Head of PE. Following the alleged conviction, on 12 November 2020, a disciplinary hearing was scheduled to take place, after several cancelled dates previously. However, the hearing did not conclude as Mr Stead resigned from his position.

Findings of fact

The findings of fact are as follows:

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

On 19 June 2019, you were convicted of the following offence:

- 1. On 15 March 2019 – one count of assault occasioning actual bodily harm, contrary to the Offences Against the Person Act 1861, s47.**

The Memorandum of an entry entered in the register of the Central Kent Magistrates' Court records for 14 August 2019 states that Mr Stead assaulted [a named person], thereby occasioning, actual bodily harm, contrary to section 47 of the Offences Against the Person Act 1861, and that Mr Stead had entered a guilty plea on 19 June 2019. It records that a community order was made:

- requiring Mr Stead to comply by 13 August 2020 with a requirement to have [REDACTED]; and
- a rehabilitation requirement to comply with any instructions of the responsible officer to attend appointments (with the responsible officer or someone else nominated by them) or to participate in any activity as required by the responsible officer up to a maximum of 10 days.

It is also recorded that a restraining order was made, lasting until 13 August 2021, prohibiting Mr Stead from contacting [a named person] directly or indirectly save via solicitors for [REDACTED] and attending his address save by prior written agreement via solicitors.

It is further recorded that Mr Stead was ordered to pay compensation of £150, a surcharge to fund victim services of £85, and costs of £85.

A PNC printout for Mr Stead shows one conviction on 19 June 2019 at Mid Kent Magistrates' Court, in respect of assault occasioning actual bodily harm on 15 March 2019 contrary to s47 of the Offences Against the Person Act 1861 for which Mr Stead was sentenced on 14 August 2019. The sentence recorded is consistent with that stated on the Memorandum referred to above.

The panel accepts the certificate of conviction as conclusive proof that establishes the conviction and the facts necessarily implied by the conviction.

This allegation is therefore found proven.

Findings as to conviction of a relevant offence

The panel was satisfied that the conduct of Mr Stead, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Stead 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

- showing tolerance of and respect for the rights of others

The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting since, although not committed in a school environment, the offence committed involved violence in an environment in which the victim had a right to believe they would be safe.

The panel noted that the behaviour involved in committing the offence had an impact on the safety of another member of the public; the violence on this occasion resulted in harm to a person.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Stead's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Stead was allowed to continue teaching. Members of the public would not expect a teacher, entrusted with the care of their children, to have been convicted for an offence involving violence that occasioned harm to another person.

The panel noted that Mr Stead's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was towards the less serious end of the possible spectrum. However, the panel still considered that the offence was of significance, given that it had been committed in an environment that the victim ought to have expected to have been safe.

This was a case concerning an offence involving violence. The Advice indicates that a conviction for any offence that relates to or involves such an offence is likely to be considered "a relevant offence".

The panel had no evidence of Mr Stead's record as a teacher, nor of any [REDACTED] issues that Mr Stead may have had at the time of the incident. It is clear that Mr Stead has [REDACTED], and it is clear that he feels a great deal of remorse. Nevertheless, the panel found that the seriousness of the offending behaviour, that led to the conviction, was relevant to Mr Stead's fitness to be a teacher. 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Stead and whether a prohibition order is necessary and proportionate. 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 safeguarding and wellbeing of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Stead there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of violent behaviour.

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

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

Whilst no doubt had been cast upon Mr Stead's abilities as an educator, and he may be able to make a valuable contribution to the profession, the panel did not have any evidence pertaining to his prior performance (save that there had been no previous misconduct, disciplinary action or complaints), and therefore considered that prohibition would strike the balance between the rights of Mr Stead and the public interest.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

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

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;

Even though the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

There was no evidence that Mr Stead's actions were not deliberate.

There was no evidence to suggest that Mr Stead was acting under extreme duress, eg a physical threat or significant intimidation. The panel had no information before it as to the circumstances in which the offence took place, save that it was [REDACTED].

The panel assumed Mr Stead to have a previously good history, and noted there had been no previous misconduct, disciplinary action or complaints. However, the panel had no evidence of his performance. For example, no references were provided from any colleagues that could attest to his abilities as a teacher.

The incident clearly had a significant impact upon Mr Stead. [REDACTED]

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Stead 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 Stead. The violence involved in the offence, against someone in an environment that ought to have been safe, 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 for it to decide to recommend a review period of the order. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. These cases include those involving violence. The panel found that Mr Stead was responsible for occasioning actual bodily harm and

this therefore weighed in favour of a longer period before review could be considered appropriate.

[REDACTED] it seems unlikely that there is a risk of repetition. [REDACTED], the panel did not consider that this should inevitably mean that Mr Stead has no opportunity to demonstrate his remediation, particularly given that the risk of repetition appears low.

The panel decided that the findings, therefore, 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 after 5 years to enable Mr Stead to continue his rehabilitation in the meantime.

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 allegation 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 Paul Stead should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mr Stead 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

- showing tolerance of and respect for the rights of others

The panel finds that the conduct of Mr Stead fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a conviction related to violence. The panel noted “that the individual’s actions were relevant to teaching, working with children and working in an education setting since, although not committed in a school environment, the offence committed involved violence in an environment in which the victim had a right to believe they would be safe.”

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 Stead, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, "In the light of the panel's findings against Mr Stead there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of violent behaviour." 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, "It is clear that Mr Stead has [REDACTED], and it is clear that he feels a great deal of remorse."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stead was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of violence 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 Stead himself and the panel comment "The panel assumed Mr Stead to have a previously good history, and noted there had been no previous misconduct, disciplinary action or complaints. However, the panel had no evidence of his performance. For example, no references were provided from any colleagues that could attest to his abilities as a teacher."

A prohibition order would prevent Mr Stead 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 public interest. The panel has said, "public interest considerations outweighed the interests of Mr Stead. The violence involved in the offence, against someone in an environment that ought to have been safe, was a significant factor in forming that opinion."

Although the conduct was not committed in a school environment and Mr Stead has shown remorse since it occurred, I have also placed considerable weight on the finding of the panel that "the behaviour involved in committing the offence had an impact on the safety of another member of the public; the violence on this occasion resulted in harm to a person." And "Mr Stead's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Stead was allowed to continue teaching. Members of the public would not expect a teacher, entrusted with the care of their children, to have been convicted for an offence involving violence that occasioned harm to another person."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Stead 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, 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 "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. These cases include those involving violence. The panel found that Mr Stead was responsible for occasioning actual bodily harm and this therefore weighed in favour of a longer period before review could be considered appropriate." and "The panel decided that the findings, therefore, 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 after 5 years to enable Mr Stead to continue his rehabilitation in the meantime."

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, factors mean that allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are a conviction for violence and further rehabilitation for the teacher.

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 Stead 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 21 March 2027, 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 Stead remains prohibited from teaching indefinitely.

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

Mr Paul Stead 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 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 15 March 2022

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