



Teaching
Regulation
Agency

Mr Oliver Shakles: Professional conduct panel meeting 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 Oliver Shakles
Teacher ref number:	16/70526
Teacher date of birth:	27 April 1995
TRA reference:	0019841
Date of determination:	1 April 2022
Former employer:	St Joseph's Catholic College

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually, to consider the case of Mr Oliver Shakles.

The panel members were Mr Gamel Byles (teacher panellist – in the chair), Ms Shabana Robertson (lay panellist) and Ms Alison Feist (former teacher panellist).

The legal adviser to the panel was Ms Luisa Gibbons 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 Shakles that the allegations be considered without a hearing. Mr Shakles provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Matilda Heselton of Brown Jacobson LLP, or Mr Shakles.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 24 March 2022.

It was alleged that Mr Shakles was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at St Joseph's Catholic College:

1. He engaged in and/or developed an inappropriate relationship with Pupil A including by;
 - a. frequent one to one contact inside the classroom in and around 2019;
 - b. engaging in conversations of a sexual nature in or around 2019;
 - c. discussing his personal life with Pupil A in or around 2019;
 - d. developing a physical attraction to Pupil A in or around 2019;
 - e. exchanging contact details with Pupil A in or around 2020;
 - f. contacting Pupil A by email and/or social media in or around 2020;
 - g. engaging in conversations of a sexual nature by email and/or social media in or around 2020;
 - h. instructed Pupil A to keep his contact with Pupil A in or around March-April 2020 a secret.
2. His conduct as may be proven at Allegations 1e. to h. was notwithstanding that in respect of his conduct as alleged at 1a. – d. he had:
 - a. been suspended and/or investigated by the school in 2019;
 - b. received a final written warning in or around December 2019;
 - c. received a management instruction not to contact Pupil A in/or around December 2019;
3. His behaviour as may be found proven at 1 above was conduct of a sexual nature and/or was sexually motivated.
4. His behaviour as may be found proven at 1(h) above was dishonest and/or lacked integrity.

Mr Shakles has admitted both the facts of the allegations and that his conduct constitutes both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

The panel decided to omit the word “including” from the stem of allegation 1. The panel was concerned that “including” implied that there were other allegations that had not been particularised in the sub-paragraphs of allegation 1 that the panel was being invited to consider. The panel considered that Mr Shakles had the right to know, with precision, what was alleged and the panel determined that fairness and the interests of justice required that the panel confined itself to considering only those matters specifically alleged in the notice of meeting.

Summary of evidence

Documents

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

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

Section 2: Notice of referral, response and notice of meeting – pages 5 to 12

Section 3: Statement of agreed facts and presenting officer representations – pages 13 to 31

Section 4: Teaching Regulation Agency documents – pages 32 to 121

Section 5: Teacher documents – pages 122 to 124

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Shakles on 31 January 2022.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Shakles 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 carefully considered this option and did not determine that such a direction was necessary or appropriate in this case.

Mr Shakles was employed as a Maths Teacher at the School between 1 September 2017 until 11 November 2020. During the time of the allegations in 2019, Pupil A was enrolled as a pupil at the School.

Findings of fact

The findings of fact are as follows:

Although the panel had the statement of agreed facts in which Mr Shakles admitted the allegations, the panel was conscious of the obligation upon the presenting officer to prove the allegations. The panel sought independent evidence from the papers provided to decide whether the allegations had been proven on the balance of probabilities.

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

Whilst employed at St Joseph's Catholic College you:

1. You engaged in and/or developed an inappropriate relationship with Pupil A by:

a. frequent one to one contact inside the classroom in and around 2019;

In a response to the notice of referral, Mr Shakles admitted this allegation.

In the statement of agreed facts, Mr Shakles admitted that he had had frequent one to one contact with Pupil A in and around 2019. He accepted that, on occasions when he was in a one to one situation with Pupil A in his classroom, Pupil A sat on his desk. Mr Shakles also admitted having engaged in and developed an inappropriate relationship with Pupil A by virtue of this conduct.

In the statement of agreed facts, Mr Shakles has agreed the following background information:

During the time of the allegations, Pupil A was a vulnerable pupil, and that Mr Shakles was aware that Pupil A was under the [REDACTED]

During the 2017/2018 academic year, in mid-May, Mr Shakles had raised concerns that Pupil A was spending a lot of time in his classroom and asked for advice on how to best to provide support. After discussing with Pupil A's mother, an arrangement was made to allow Pupil A to go to the room for five minutes each day to prepare for the school day. This arrangement was discussed with Mr Shakles and he was told not to engage in conversation with Pupil A and move Pupil A on from his room after five minutes.

A few weeks later, it was raised by the [REDACTED] that Pupil A was reliant on Mr Shakles and the medical officer was concerned about the feelings Pupil A had for Mr Shakles. Mr Shakles attended a meeting on 21 June 2018 when it was explained to him that Pupil A had an over reliance on the relationship with him and Pupil A had made [REDACTED] if the ability to talk with him was removed. Mr Shakles was advised that to keep Pupil A safe he was to continue with the five minutes per day but under no circumstances was he to engage in conversations

about anything other than school work with Pupil A and he was to move Pupil A on. Mr Shakles was told how this could be perceived negatively if he allowed Pupil A to remain in the room with only him.

The panel read accounts by two individuals on 14 November 2019 that reported that they had seen Pupil A sat on the desk close to Mr Shakles' desk and that his chair was pulled up quite close to Pupil A whilst they were talking, and that "it didn't feel right". They reported seeing Pupil A in his room talking to Mr Shakles before the school day, during breaks, lunches and after school.

The panel read a report that a member of staff at the school had found Pupil A in Mr Shakles' room, walking around with shoes off whilst Mr Shakles was sat at his desk. It is reported that the member of staff removed Pupil A from the class and spoke to Mr Shakles regarding this. The member of staff was concerned that Mr Shakles had not reported that Pupil A was there, when Pupil A was due to be elsewhere, and had not told Pupil A to leave his room.

Another report, on 14 November 2019, noted Pupil A having been in Mr Shakles' classroom after school, whilst a group of students were involved in an after-school activity that Pupil A did not appear to be participating in. When the other students left, Pupil A remained and had a brief conversation with Mr Shakles.

The panel considered that the frequency and nature of the contact exceeded the five minutes per day that had been agreed, Pupil A would spend in the classroom with Mr Shakles to settle Pupil A for the school day. Given the heightened risk that Mr Shakles had identified associated with Pupil A, Mr Shakles ought to have appreciated the safeguarding risks of having contact with Pupil A over and above the contact authorised by the school. His frequent one to one contact with Pupil A over and above the 5 minutes authorised per day, without alerting his colleagues to the issue, indicated that Mr Shakles developed an inappropriate relationship with Pupil A.

The panel found this allegation proven.

b. engaging in conversations of a sexual nature in or around 2019;

In Mr Shakles' response to the notice of referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles admitted that he had engaged in conversations of a sexual nature with Pupil A in or around 2019. He acknowledged that he discussed positions for sexual intercourse with Pupil A. Mr Shakles also admitted that he had engaged in and developed an inappropriate relationship with Pupil A by virtue of this conduct.

The panel read a student incident statement written on 21 November 2019 by Student C which recorded that Pupil A had told Student C that Pupil A and Mr Shakles had discussed "sexual questions like what position you do". Student C also reported that, in

July 2019, Mr Shakles asked that student to leave as he and Pupil A were having a private conversation. Another student incident statement written by Student D on 21 November 2019 stated that Pupil A “talks like [REDACTED] is in a relationship with Mr Shakles”.

The panel read minutes of the investigation meeting with Mr Shakles on 26 November 2019 in which Mr Shakles confirmed that he had discussed sexual positions with Pupil A, but “not intimately, comment in passing”.

Having conversations of a sexual nature in or around 2019 indicated that Mr Shakles engaged and/or developed in an inappropriate relationship with Pupil A.

The panel found this allegation proven.

c. discussing your personal life with Pupil A in or around 2019;

In Mr Shakles’ response to the Notice of Referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles admitted that he discussed his personal life with Pupil A in or around 2019. He accepted that he spoke with Pupil A about his family and his wife. Mr Shakles also admitted that he engaged in and developed an inappropriate relationship with Pupil A by virtue of this conduct.

The panel read minutes of the investigation meeting with Mr Shackles on 26 November 2019 in which Mr Shakles said that he had talked with Pupil A about his family, his wife and his son.

Discussing his personal life with Pupil A, contrary to instructions not to discuss with Pupil A anything other than school work, indicated Mr Shakles had engaged in and/or developed an inappropriate relationship with Pupil A.

The panel found this allegation proven.

e. exchanging contact details with Pupil A in or around 2020;

In Mr Shakles’ response to the Notice of Referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles admitted that he exchanged contact details with Pupil A in or around 2020. He acknowledged that he exchanged personal email addresses with Pupil A. Mr Shakles also admitted that he engaged in and developed an inappropriate relationship with Pupil A by virtue of this conduct.

The panel read email communications between Mr Shakles and Pupil A in March and April 2020. In order to have those communications Mr Shakles must have exchanged contact details with Pupil A.

In the minutes of the investigatory meeting on 20 October 2020, Mr Shakles stated that, on Pupil A’s last day at the school, Pupil A had asked him to remain in contact “to get some closure” and gave him personal contact information. Mr Shakles was asked about

an email message which referred to him saying he had specifically set up another email address for contacting Pupil A. He referred this to having been a lapse of judgement. He was also asked about an email telling Pupil A to use Instagram in a particular way, and asked why he had proposed this. Mr Shakles said that this was so his phone would not receive a notification that his wife might see.

Exchanging contact details with Pupil A in circumstances in which Mr Shakles had been instructed a letter of 5 December 2019 that he should have no contact with Pupil A indicated he was engaging in or developing an inappropriate relationship with Pupil A.

The panel found this allegation proven.

f. contacting Pupil A by email and/or social media in or around 2020;

In Mr Shakles' response to the Notice of Referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles admitted that he contacted Pupil A by email and social media in or around 2020. Mr Shakles also admitted that he engaged in and developed an inappropriate relationship with Pupil A by virtue of this conduct.

The panel read email communications between Mr Shakles and Pupil A in March and April 2020. This included a message from Mr Shakles stating that he had "decided to create another email as [he] was getting panicky about using [his] main one".

One of Pupil A's messages to Mr Shakles asked "what was ur decision on my insta suggestion..." inferring that Mr Shakles and Pupil A were in contact via social media.

In the minutes of the investigatory meeting with Mr Shakles on 20 October 2020, he stated that on Pupil A's last day, Pupil A approached him and gave him some contact information. He stated that, after a little while, he made contact, Pupil A replied, and thereafter they stayed in contact. He also confirmed during that meeting that his contact with Pupil A was not always by email, but also on Instagram as well, mostly by direct message; that Pupil A would put stories on Instagram and he would respond to that. As referred to above, Mr Shakles was also asked about an email telling Pupil A to use Instagram in a particular way, and asked why he had proposed this. Mr Shakles said that this was so his phone would not receive a notification that his wife might see.

Contacting Pupil A by email or by social media in circumstances in which Mr Shakles had been told in a letter of 5 December 2019 that he should have no contact with Pupil A indicated he was engaging in or developing an inappropriate relationship with Pupil A.

The panel found this allegation proven.

g. engaging in conversations of a sexual nature by email and/or social media in or around 2020;

In Mr Shakles' response to the Notice of Referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles admitted that he engaged in conversations of a sexual nature with Pupil A by email and social media in or around 2020. Mr Shakles admitted that he asked for pictures of Pupil A “looking pretty” and made comments as to what he would like to do to Pupil A’s body. He accepted that he told Pupil A that he had imagined having sex with Pupil A on his desk at the School. He acknowledged that he discussed having sexual intercourse with Pupil A. Mr Shakles also admitted that he engaged in and developed an inappropriate relationship with Pupil A by virtue of this conduct.

A note of a conversation with Pupil A’s mother recorded that Pupil A’s mother had said that Mr Shakles had asked her child to send pictures of Pupil A looking pretty, and that he had said to Pupil A that he had imagined having sex with Pupil A on his desk at work. The note records that Pupil A’s mother had declined to sign a witness statement, as Pupil A had threatened to [REDACTED] if she did so. The panel was concerned that the email exchanges it had read did not contain these particular references.

However, in the minutes of an investigatory meeting with Mr Shakles on 20 October 2020, he stated that the “conversation shifted to be more explicit, more inappropriate. Shifted to talking about how [they] like each other, attracted to each other and sort of fantasies that [they] had, things that [they] would like to do to each other”. He stated that their discussions had talked about having sexual intercourse. He confirmed that these discussions took place on both email and Instagram.

On the basis of Mr Shakles’ comments in the investigatory meeting that corroborated the mother’s complaint, the nature of the conversations described, indicated he was engaging in and/or developing an inappropriate relationship with Pupil A.

The panel found this allegation proven.

h. instructed Pupil A to keep your contact with Pupil A in or around March – April 2020 a secret.

In Mr Shakles’ response to the Notice of Referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles admitted that he instructed Pupil A to keep their contact in or around March/ April 2020 a secret. He acknowledged that he discussed with Pupil A the importance of not telling anyone that they were in contact. Mr Shakles also admitted that he engaged in and developed an inappropriate relationship with Pupil A by virtue of this conduct.

In the note of the conversation with Pupil A’s mother, it was recorded that Pupil A’s mother had said that Mr Shakles and Pupil A had discussed the importance of not telling anyone that they were in contact, and that Mr Shakles had instructed Pupil A to delete messages from Pupil A’s “deleted box as well as the inbox”.

In the minutes of an investigatory meeting with Mr Shakles on 20 October 2020, he stated that he had asked Pupil A to use Instagram in a particular way so that his phone did not receive a notification that his wife would see; it is more probable than not that Mr Shakles was taking steps to keep his contact with Pupil A a secret.

The fact that he was seeking to keep his contact with Pupil A secret indicated he was engaging in and/or developing an inappropriate relationship with Pupil A.

The panel found this allegation proven.

2. Your conduct as may be found proven at Allegations 1e.- h. was notwithstanding that in respect of your conduct as alleged at 1a.- d. you had:

a. been suspended and/or investigated by the school in 2019;

b. received a final written warning in or around December 2019;

c. received a management instruction not to contact Pupil A in/or around December 2019.

In Mr Shakles' response to the Notice of Referral, he admitted the above allegations.

In the statement of agreed facts, Mr Shakles also admitted the above allegations.

The panel read a copy of a letter dated 5 December 2019 from the school to Mr Shakles, which refers to a final written warning having been given to Mr Shakles at the disciplinary hearing on 4 December 2019, and confirming that his suspension had been lifted. The letter went on to reiterate "as we discussed in the meeting last night, there is to be no contact with the student involved in the investigation".

This allegation in its entirety was therefore found proven.

3. Your behaviour as may be found proven at 1 above was conduct of a sexual nature and/or was sexually motivated.

In Mr Shakles' response to the notice of referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles also admitted that his behaviour was conduct of a sexual nature and was sexually motivated.

The panel considered the legal definition of behaviour of a sexual nature, and behaviour that is sexually motivated.

The panel did not consider any sexual contact to have taken place. However, the panel considered that a reasonable person would consider that holding discussions about sexual positions and sexual intercourse to be conduct of a sexual nature.

In the minutes of an investigatory meeting with Mr Shakles on 20 October 2020, he stated that his conversations with Pupil A were a “bit of a thrill, ecstasy from the attention”. This evidence indicated that Mr Shakles was motivated by the pursuit of sexual gratification. This was also clear from the same minutes in which Mr Shakles referred to things that he would like to do to Pupil A’s body. This also indicated the pursuit of sexual gratification. The panel therefore found Mr Shakles’ behaviour to be sexually motivated.

The panel therefore found this allegation proven.

4. Your behaviour as may be found proven at 1h. above was dishonest and/or lacked integrity.

In Mr Shakles’ response to the notice of referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles also admitted that his behaviour was dishonest and lacked integrity. Mr Shakles admitted that he knowingly sought to conceal his relationship with Pupil A and ensure that Pupil A did not report his misconduct.

The panel did not consider that there was sufficient evidence that Mr Shakles had a dishonest intention when he instructed Pupil A to keep their contact a secret. The panel was conscious of the seriousness of this allegation that called for heightened examination of the strength and quality of the evidence. The panel was also conscious that the state of Mr Shakles’ mind would have to be proved by inference or deduction from the surrounding evidence, as there was no direct contemporaneous evidence as to his intention at the time. The panel considered that Mr Shakles had been honest in his dealings at both investigatory interviews, sometimes revealing matters that were not in his interest. The panel did not therefore consider Mr Shakles to have a propensity to be dishonest. In those circumstances, since acting dishonestly appeared to be contrary to Mr Shakles’ nature, and in the absence of any evidence from which his intention could be inferred, the panel could not find that Mr Shakles had acted dishonestly in instructing Pupil A to keep their contact a secret. Dishonesty may not have been the only explanation for his conduct.

The panel was, however, satisfied that for a teacher to ask a pupil to take steps to conceal their contact, in circumstances in which that teacher had been asked not to have contact with that pupil, indicated behaviour that lacked integrity.

The panel therefore found it proven that Mr Shakles’ behaviour in instructing Pupil A to keep their contact a secret lacked integrity, but was not dishonest.

The panel found the following particulars of the allegations against you not proved, for these reasons:

d. developing a physical attraction to Pupil A in or around 2019;

In Mr Shakles’ response to the notice of referral, he admitted this allegation.

In the statement of agreed facts, Mr Shakles admitted that he developed a physical attraction to Pupil A in or around 2019. Mr Shakles also admitted that he engaged in and developed an inappropriate relationship with Pupil A by virtue of this conduct.

The panel read the minutes of the investigation meeting with Mr Shackles on 26 November 2019 in which Mr Shakles said that he had developed a friendly bond with Pupil A, that he saw Pupil A as a younger sibling. He was asked whether he found Pupil A attractive and he responded that he would say Pupil A was pretty, but would not go as far as to say Pupil A was sexually attractive, or that he found Pupil A sexually attractive.

The panel considered that the contemporaneous evidence of whether Mr Shakles had developed a physical attraction to Pupil A in or around 2019 indicated that this allegation was not proven. The panel placed greater weight on the contemporaneous evidence rather than Mr Shakles' later admission.

The panel found this allegation not proven.

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

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

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

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

By disregarding the school's parameters for his contact with Pupil A, and, after the management instruction not to have any contact with Pupil A, his disregard of that instruction undermined the ability of those who worked with Pupil A to keep Pupil A safe and discharge their safeguarding obligations. He also breached his own safeguarding obligations towards Pupil A.

The panel was satisfied that the conduct of Mr Shakles fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Shakles' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of sexual communication with a child was relevant.

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 noted that the allegations 1f, 1g, 1h took place outside the education setting. His failure to adhere to the management instruction he had been given casts concern over the way he fulfilled his teaching role. It was apparent that his duty to maintain appropriate relationships and personal boundaries with children and young people had been breached, against clear management instruction. This had consequences on the ability of others to safeguard Pupil A's welfare and lead to Pupil A being exposed to the potential for harm.

Accordingly, the panel was satisfied that Mr Shakles was guilty of unacceptable professional conduct.

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

The panel also considered whether Mr Shakles' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As above, the panel found that the offence of sexual communication with a child was relevant.

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 conduct that may bring the profession into disrepute.

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

The panel considered that Mr Shakles' conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Mr Shakles' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1a, b, c, e, f, g, h, 2, 3 and 4 proved (insofar as with regard to allegation 4 it was found proven that Mr Shakles' behaviour lacked integrity), the panel further found that Mr Shakles' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Shakles 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; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious finding of an inappropriate relationship with Pupil A.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Shakles were 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 Shakles was outside that which could reasonably be tolerated.

The panel had no contemporaneous evidence of Mr Shakles' ability as an educator, but in any event, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Shakles in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher. He breached his position of trust in direct contravention of the management instruction he had received.

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 noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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;

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

- abuse of position or trust (particularly involving vulnerable pupils);

- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;

- 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;

- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);

- violation of the rights of pupils;

- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though some of 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 the mitigation offered by Mr Shakles and whether there were mitigating circumstances.

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

There was no evidence to suggest that Mr Shakles was acting under extreme duress, eg a physical threat or significant intimidation and, in fact, the panel found Mr Shakles' actions to be calculated and motivated.

The panel did not consider Mr Shakles to have a previously good history, given that he had been issued with a final written warning and a direct instruction not to have any contact with Pupil A, which he ignored.

There were no up to date references or testimonials presented to the panel. The panel had sight of references at the time of Mr Shakles' appointment to the school but had no positive evidence as to his abilities as a teacher during his time at the school.

Mr Shakles co-operated with these proceedings to the extent of having signed a statement of agreed facts but beyond this has not conveyed any insight as to the impact of his actions on Pupil A, Pupil A's family and the school community. Furthermore, he has expressed no remorse for his actions.

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 Shakles 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 Shakles. The repetition of his behaviour, having received a management instruction not to contact Pupil A 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 not offering a review period. These cases include serious sexual misconduct, eg where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons; and any sexual misconduct involving a child. The panel found that Mr Shakles was responsible for engaging/ developing an inappropriate relationship with Pupil A that was sexually motivated.

In the absence of any remorse, apology or insight, and in light of his flouting of a management instruction that would have protected both him and Pupil A, the panel considered that there was a real risk of repetition.

The panel 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (including 1d and the dishonesty element of 4). I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Shakles is in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

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

The panel also state that, "By disregarding the school's parameters for his contact with Pupil A, and, after the management instruction not to have any contact with Pupil A, his disregard of that instruction undermined the ability of those who worked with Pupil A to keep Pupil A safe and discharge their safeguarding obligations. He also breached his own safeguarding obligations towards Pupil A."

The panel was "satisfied that the conduct of Mr Shakles fell significantly short of the standard of behaviour expected of a teacher."

The panel also, "considered whether Mr Shakles' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice."

The panel also, "found that the offence of sexual communication with a child was relevant."

The findings of misconduct are particularly serious in my view as they include a finding of sexual communication with a child.

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 Shakles, 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 children and safeguard pupils. The panel has observed, "It was apparent that his duty to maintain appropriate relationships and personal boundaries with children and young people had been breached, against clear management instruction. This had consequences on the ability of others to safeguard Pupil A's welfare and lead to Pupil A being exposed to the potential for harm." 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, "Mr Shakles co-operated with these proceedings to the extent

of having signed a statement of agreed facts but beyond this has not conveyed any insight as to the impact of his actions on Pupil A, Pupil A's family and the school community. Furthermore, he has expressed no remorse for his actions."

In my judgement, the lack of complete insight or full remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing 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 it, "took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave."

I am particularly mindful of the finding of sexual communication with a pupil 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 Shakles himself. The panel comment that it, "did not consider Mr Shakles to have a previously good history, given that he had been issued with a final written warning and a direct instruction not to have any contact with Pupil A, which he ignored.

There were no up to date references or testimonials presented to the panel. The panel had sight of references at the time of Mr Shakles' appointment to the school but had no positive evidence as to his abilities as a teacher during his time at the school."

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has also said, "The panel found that Mr Shakles was responsible for engaging/ developing an inappropriate relationship with Pupil A that was sexually motivated."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Shakles 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 "In the absence of any remorse, apology or insight, and in light of his flouting of a management instruction that would have protected both him and Pupil A, the panel considered that there was a real risk of repetition."

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, the factors which mean that a no review period is necessary are the nature of the misconduct found and the lack of insight or remorse.

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

This means that Mr Oliver Shakles 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 Oliver Shakles 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 Oliver Shakles has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Alan Meyrick

Date: 4 April 2022

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