



Teaching
Regulation
Agency

Mr Stuart Coughlan: Professional conduct panel meeting outcome

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

June 2022

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

Teacher:	Mr Stuart Coughlan
Teacher ref number:	1168745
Teacher date of birth:	21 May 1987
TRA reference:	0018334
Date of determination:	15 June 2022
Former employer:	Akeley Wood Junior School, Buckingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 15 June 2022 remotely via Microsoft TEAMS to consider the case of Mr Stuart Coughlan.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Miss Sue Davies (lay panellist) and Mrs Sonia Fraser (teacher panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan 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 Coughlan that the allegations be considered without a hearing. Mr Coughlan provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute and conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Coughlan or his representative.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 31 May 2022.

It was alleged that Mr Coughlan has been convicted of a relevant offence and is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst a teacher at Akeley Wood Junior School he:

- 1. On 19 September 2019, was convicted of driving a motor vehicle when alcohol level was above the limit on 23 December 2018, contrary to section 5(1)(a) of other Road Traffic Act 1998 and schedule 2 of the Road Traffic Offenders Act 1988.**
- 2. On 19 September 2019, used threatening or abusive words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment or alarm or distress thereby on 23 December 2018 contrary to section 5(1) and (6) of the Public Order Act 1986.**
- 3. He was found guilty of/admitted using threatening or abusive words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment or alarm or distress thereby in relation to your conduct at 2 above and was conditionally discharged for 12 months.**

Mr Coughlan admitted the facts and he admitted unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence.

Preliminary applications

There were no preliminary applications.

At the outset of the hearing, the panel noted that a document had not been redacted, when it was clear that it ought to have been. Prior to the commencement of the hearing, the TRA contacted Mr Coughlan to explain the issue. Mr Coughlan confirmed in writing that he was happy for this Meeting to proceed, so long as the panel disregarded the material that should have been redacted. The panel heard and accepted legal advice to disregard that information.

Summary of evidence

Documents

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

Section 1: Chronology, Anonymised Pupil List and List of Key People – pages 1 to 2

Section 2: Notice of Referral, Response and Notice of Meeting – pages 3 to 12

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 13 to 18

Section 4: Teaching Regulation Agency Documents – pages 19 to 70

Section 5: Documents received from the Teacher on 14 March 2022 – pages 71 to 90

Section 6: Documents received from the Teacher's Rep on 4 April 2022 – pages 91-92

Section 7: Documents received from the Teacher on 9 May 2022 – page 93

In addition, the panel received the following:

Supplemental Meeting Bundle and Index – Page 1-9

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 Coughlan on 9 May 2022.

Decision and reasons

The panel announced its decision and reasons as follows:

In advance of the meeting, the TRA agreed to a request from Mr Coughlan 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 Coughlan had been employed as a teacher at Akeley Wood Junior School ("the School") from 1 September 2015 to 14 October 2019.

On 23 December 2018, Mr Coughlan was arrested by Thames Valley Police following a drink driving incident that occurred on the same day. On 19 September 2019, Mr Coughlan was convicted of driving a motor vehicle when his alcohol level was above the limit. Mr Coughlan also received a conditional discharge in relation to his behaviour when in hospital following the drink driving incident on 23 December 2018.

Mr Coughlan was subsequently dismissed from his position at the School.

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:

It was alleged that Mr Coughlan has been convicted of a relevant offence and is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst a teacher at Akeley Wood Junior School he:

1. On 19 September 2019, was convicted of driving a motor vehicle when alcohol level was above the limit on 23 December 2018, contrary to section 5(1)(a) of other Road Traffic Act 1998 and schedule 2 of the Road Traffic Offenders Act 1988.

The allegation was admitted by Mr Coughlan and was supported by evidence presented to the panel within the bundle. In particular, the panel noted the Memorandum of Conviction and took this as proof of the commission of the offence concerned.

The allegation was therefore, found proved.

2. On 19 September 2019, used threatening or abusive words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment or alarm or distress thereby on 23 December 2018 contrary to section 5(1) and (6) of the Public Order Act 1986.

The allegation was admitted by Mr Coughlan and was supported by evidence presented to the panel within the bundle. In particular, the panel noted the Memorandum of Conviction and took this as proof of the commission of the offence concerned.

The allegation was therefore, found proved.

3. He was found guilty of/admitted using threatening or abusive words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment or alarm or distress thereby in relation to your conduct at 2

The allegation was admitted and was supported by evidence presented to the panel within the bundle. In particular, the panel noted the Memorandum of Conviction and took this as proof of the commission of the offence concerned in relation to the conduct.

The allegation was therefore, found proved.

Findings as to unacceptable professional conduct and conduct that may bring the profession into disrepute and conviction of a relevant offence

Findings as to conviction of a relevant offence (allegation 1)

Having found allegation 1 proved, the panel went on to consider whether the facts of the proven allegation amounted to a conviction 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 Coughlan in relation to the facts it found proved involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Coughlan 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,
- 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 Mr Coughlan's actions were not relevant to teaching, working with children or working in an education setting because the conduct occurred following a night out with friends, and the incident did not involve any other persons, specifically it did not involve young people.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety of members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Coughlan's behaviour in committing the offence 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 Coughlan's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

This was a case involving an offence of 'serious driving offences, particularly those involving alcohol or drugs', which the Advice states is likely to be considered a relevant offence.

The panel took into account mitigating circumstances, which included full admissions from Mr Coughlan regarding the offence. The panel also read the evidence from character referees attesting to Mr Coughlan's character and his abilities as a teacher. The panel also took into consideration Mr Coughlan's account of [REDACTED]. The panel also read Mr Coughlan's evidence that he committed the offence following an argument during a night out and he was not thinking clearly when the incident occurred.

The panel did note that Mr Coughlan was three times over the drink driving limit on the night in question.

Although the panel found that the evidence of Mr Coughlan's teaching proficiency to be of note, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Coughlan'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.

Findings as to unacceptable professional conduct and conduct that may bring the profession into disrepute (allegation 2 and 3)

Having found the facts of allegation 2 and 3 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 Coughlan in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Coughlan 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
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Coughlan fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Coughlan's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that none of these offences was relevant.

The panel noted that the allegations took place outside the education setting. Given the influence teachers may have on pupils, parents and others in the community, Mr Coughlan's conduct did not set a good example. Accordingly, the panel was satisfied that Mr Coughlan was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel 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 they behave. The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore found that Mr Coughlan's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 2 and 3 proved, the panel further found that Mr Coughlan's 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/conduct that may bring the profession into disrepute/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 a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct, and that prohibition strikes the right balance between the rights of the teacher and the public interest if they are in conflict.

In the light of the panel's findings against Mr Coughlan, which involved a conviction for a drink driving offence and aggressive and unpredictable behaviour, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Coughlan 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 Coughlan was outside that which could reasonably be tolerated.

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

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 Coughlan. 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;
- 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 disclosures.

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.

There was evidence that Mr Coughlan's actions were deliberate, as he chose to get in the car and drive whilst under the influence of alcohol. There is no evidence that he was acting under duress.

The panel was not provided with evidence to show that Mr Coughlan had anything other than a previous good history. The panel accepted that the incident was out of character. The panel noted the contextual factors that led to Mr Coughlan drink driving, which included him [REDACTED].

[REDACTED]. The panel considered an undated statement from Mr Coughlan within the bundle that, amongst other positive steps, he confirmed that he [REDACTED] after the incident for a period of 18 months.

Mr Coughlan has fully engaged with the TRA and admitted the allegations at an early stage. The panel found that Mr Coughlan has shown insight and has demonstrated remorse for his actions.

The panel was provided with various positive character testimonials. These included references from colleagues who were able to attest to Mr Coughlan's abilities as a teacher. The panel was mindful that Mr Coughlan was at an early stage in his teaching

career, and had not had the opportunity to make an exceptional contribution, but accepted that he did have the potential to make a good contribution to the educational sector in the future.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Coughlan 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 Coughlan. The serious nature of Mr Coughlan's actions 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. The panel found that none of these were relevant.

The panel noted that Mr Coughlan has demonstrated genuine remorse and insight into his actions. The panel also noted that Mr Coughlan has taken appropriate steps since the incident in question, including seeking support from a counsellor. The panel was mindful that the allegations related to one incident and there is no evidence of repetition or previous concerns. Mr Coughlan has provided evidence that he has a passion for teaching and the evidence suggests that he may be able to make a good contribution to the profession in the future.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after 2 years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of 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 of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute and, in relation to allegation 1, a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Coughlan should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Coughlan 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 (in relation to allegations 2 and 3)
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a finding of driving a motor vehicle when his alcohol level was above the limit and using threatening or abusive words or behaviour or disorderly behaviour.

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 Coughlan 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/safeguard pupils. The panel has noted, "that Mr Coughlan's actions were not

relevant to teaching, working with children or working in an education setting”, but they also observed that “the behaviour involved in committing the offence could have had an impact on the safety of members of the public.” 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 Coughlan has fully engaged with the TRA and admitted the allegations at an early stage. The panel found that Mr Coughlan has shown insight and has demonstrated remorse for his actions.”

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 Mr Coughlan's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.” I am particularly mindful of the finding of a relevant offence in this case and the impact that such a finding has on the reputation of the profession, “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.”

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 Coughlan himself. The panel comment “The panel was not provided with evidence to show that Mr Coughlan had anything other than a previous good history. The panel accepted that the incident was out of character.” The panel also observed “There was evidence that Mr Coughlan's actions were deliberate, as he chose to get in the car and drive whilst under the influence of alcohol. There is no evidence that he was acting under duress.”

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

I have also placed considerable weight on the finding of the panel that Mr Coughlan was arrested following a drink driving incident, and also received a conditional discharge in relation to his behaviour when in hospital following the drink driving incident.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Coughlan 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 two year review period.

I have considered the panel's comments "Mr Coughlan has demonstrated genuine remorse and insight into his actions. The panel also noted that Mr Coughlan has taken appropriate steps since the incident in question, [REDACTED]."

I have considered whether a two 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. The panel has also said that "Mr Coughlan has provided evidence that he has a passion for teaching and the evidence suggests that he may be able to make a good contribution to the profession in the future."

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

This means that Mr Stuart Coughlan 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 2024, two 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 Coughlan remains prohibited from teaching indefinitely.

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

Mr Coughlan 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: John Knowles

Date: 22 June 2022

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