



Teaching
Regulation
Agency

Mr Joel Mansell Professional conduct panel outcome

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

July 2022

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

Teacher:	Mr Joel Nicholas Mansell
Teacher ref number:	9659979
Teacher date of birth:	08 October 1973
TRA reference:	18212
Date of determination:	08 July 2022
Former employer:	Bluecoat Wollaton Academy, Nottingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 13 to 15 October 2021, 9 and 11 February 2022 and 8 July 2022, to consider the case of Mr Mansell.

The panel members were Ms Hilary Jones (lay panellist – in the chair), Mrs Kelly Thomas (lay panellist) and Mr Neil Hillman (teacher panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

The presenting officer for the TRA was Ms Sey Shabani at the hearings in October 2021 and February 2022 and Mr Ben Bentley at the hearing on 8 July 2022. Both of Browne Jacobson LLP.

Mr Mansell was present and was represented by Ms Beth Grossman, of counsel, instructed by Ms Sharon Liburd of the National Education Union at the hearings in October 2021 and February 2022. Mr Mansell was not present or represented at the hearing on 8 July 2022.

The hearing took place in public (save for parts held in private) and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 12 April 2021.

It was alleged that Mr Mansell was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, in that whilst a teacher at Noel Baker School:

1. On various unknown dates, during the period 2001 to 2002, you:
 - a) spoke with Pupil A by telephone about non-School matters;
 - b) met Pupil A after School hours unaccompanied;
 - c) drove Pupil A to her home unaccompanied;
 - d) met Pupil A in your home unaccompanied;
 - e) provided alcohol to Pupil A at a time when she was under the legal age limit;
 - f) had sexual intercourse with Pupil A;
2. Your conduct as set out in paragraph 1 was sexually motivated;
3. By your conduct as set out in paragraph 1, you failed to observe a proper boundary appropriate to a teacher's professional position.

Mr Mansell admitted allegations 1a, 1b (in so far as it related to 1c) and 1c, but on a different basis to the TRA case against him.

Mr Mansell denied allegations 1d, 1e, 1f, 2 and 3 in their entirety.

In regard to the admitted parts of the allegations, Mr Mansell denied they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered a number of applications during the hearings:

Special Measures for Pupil A

Prior to the start of the hearing, the panel considered an application from the TRA to classify Pupil A as a 'vulnerable witness' and afford the witness 'special measures' when giving evidence.

The TRA submitted that Pupil A fell into the category of a 'vulnerable witness' as the allegations related to conduct of a sexual nature between the pupil and the teacher and that the proposed special measures would likely ease the witness's nerves in giving evidence.

Mr Mansell did not object to the application. The panel therefore considered the application on the papers. The panel considered the guidance in the procedures and the parties' submissions and accepted the advice of the legal adviser.

The panel was satisfied that Pupil A fell into in the [REDACTED] category on the guidance owing to the sexual nature of the allegations and that the proposed measures would mitigate against any prejudice to Pupil A's [REDACTED] and to ensure the quality of her evidence and makes the following directions:

- 1) [REDACTED]
2. Pupil A is to have the special measures available, specifically:
 - a) not to have sight of Mr Mansell when giving evidence; and
 - b) not to be asked questions directly by Mr Mansell.

Admission of further evidence on Day 1

The panel heard an application from Mr Mansell to admit further documents into the bundle. They were:

- 1) The complete copy of the school 'leavers book';
- 2) Screen shots of information from the 192.com website;
- 3) Certain email correspondence between the parties relating to disclosure;

The panel heard from both parties. Mr Mansell advanced that the documents were relevant to the case and he would not be able to fully present his defence, which would be in breach of his Article 6 rights.

The TRA did not object to items 1 and 2 going into the bundle, but did object to item 3 on the basis that the documents referred to in the correspondence, should be subject to a separate application.

The panel considered the advice within the procedures and accepted the advice of the legal adviser. The panel was satisfied that all three documents are relevant to the case and that it would not be unfair to any party to admit them and to not admit may in fact be unfair to Mr Mansell in defending himself.

Admission of further evidence on Day 2

At the beginning of Day 2, prior to the resumption of Pupil A's evidence, Mr Mansell made an application to admit further evidence regarding a [REDACTED] profile.

Mr Mansell submitted it was relevant to issues regarding the witness's memory and credibility.

The TRA submitted this document would not clarify the evidence any further and would therefore would not be relevant to admit.

The panel considered the guidance under the procedures and accepted the advice of the legal adviser. The panel was concerned by the late nature of the application and that would be an important consideration to the fairness of admitting the evidence.

However, the panel considered that the evidence would be relevant to their understanding of the case and that it would not be unfair to the parties to admit the evidence, notwithstanding the lateness of the application.

Admission of further evidence on Day 3

At the beginning of Day 3, prior to Mr Mansell giving evidence, the TRA made an application to admit further evidence relating to correspondence between the TRA and Independent Inquiry into Child Sexual Abuse ("IICSA").

The TRA submitted that the document was relevant to the chronology of the case and should be added for completeness.

Mr Mansell did not object to the evidence being admitted. Both parties consented to the application being dealt with without oral submissions.

The panel considered the guidance under the procedures and accepted the representations of the parties that the evidence was relevant and it would not be unfair to admit the document.

Application to proceed in the absence of Mr Mansell on 8 July 2022

The panel considered an application from the presenting officer to proceed in the absence of Mr Mansell at the hearing on 8 July 2022.

[REDACTED].

[REDACTED].

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel considered the email sent to Mr Mansell on 11 March confirming the hearing was re-listed on 8 July 2022. The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 4.35 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and that the requirements for service had been satisfied.

Whilst there was no formal response to this notice, also on 11 March 2022, Ms Liburd had emailed the TRA regarding re-listing this case which included the following paragraph:

"Mr Mansell has indicated that he would be prepared to accept the sanction imposed on him. Therefore, no submissions will be made with regard to the sanction and Mr Mansell, Beth Grossman and I shall not be attending the recommenced hearing."

The panel went on to consider whether to proceed in Mr Mansell's absence or to adjourn, in accordance with Rule 4.29 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Mr Mansell is not in attendance and will not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

Given the express confirmation from Mr Mansell's representative that Mr Mansell and his legal representatives were not going to attend, the panel concluded that the hearing should proceed. The panel was satisfied that Mr Mansell's absence was voluntary and he had waived his right to attend. There was no indication that Mr Mansell might attend at a future date such that no purpose would be served by an adjournment.

The panel also took account of the fact that there is a public interest in hearings taking place within a reasonable time.

Having decided that it is appropriate to proceed, the panel would strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Mr Mansell is neither present nor represented.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 2

Section 2: Notice of proceedings and response – pages 3 to 9

Section 3: Teaching Regulation Agency witness statements – pages 10 to 141

Section 4: Teaching Regulation Agency documents – pages 142 to 462

Section 5: Teacher documents – pages 465 to 499

In addition, the panel agreed to accept the following:

Pupil A's full 'Leaver's Book' – pages 500 to 535

192.com screenshots – pages 536 to 537

Parties email correspondence on disclosure – pages 538 to 542

[REDACTED] screenshots – pages 543 to 545

IICSA email correspondence – pages 546 to 547

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence called by the TRA from:

- Pupil A;

The panel heard oral evidence called by the teacher from:

- Mr Joel Mansell;
- Individual A
- Individual B

Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered all the evidence before it and reached a decision. Although there is reference to the evidence throughout these reasons, on the grounds of brevity, not every piece or parts of evidence considered by the panel is discussed in these reasons.

Mr Mansell qualified as teacher in 1997. In 2001, he starting working as a [REDACTED] teacher at Noel Baker School. In 2006, he left Noel Baker School and joined Bluecoat Wollaton Academy.

Pupil A joined Noel Baker School, [REDACTED]. It was not clear from the evidence exactly which year Pupil A [REDACTED].

In March 2018, Pupil A contacted the Independent Inquiry into Child Sexual Abuse by email, following hearing their radio advert and disclosed that Mr Mansell had sexually abused her whilst she was a pupil at Noel Baker School. The Inquiry provided this disclosure to other agencies including the police and the relevant Local Authority Designated Officer ("LADO").

The police commenced a criminal investigation, but a prosecution did not follow. As part of that investigation, Pupil A gave an account to the police in a video interview (commonly referred to as an 'ABE' interview). Mr Mansell also gave an account to the police in an interview under caution.

The LADO further disclosed this information to Bluecoat Wollaton Academy, who were Mr Mansell's employer at the time of the disclosures. The Academy suspended Mr Mansell and started their own investigation. During this investigation, an account of the allegations was taken from Mr Mansell. The investigation was not completed, as Mr Mansell resigned during the course of the investigation in December 2018. Following this, the Academy made a referral to the TRA.

The panel makes reference to these other investigations simply to aid the identification of sources of evidence it has considered. It has given no consideration to any conclusions made by these organisations.

In assessing the evidence before it, the panel accepted the advice of the legal adviser given in the hearing. The panel kept in mind that the burden of proof rested solely on the Presenting Officer and that in determining the allegations, the panel had to be satisfied on the balance of probabilities, that it was more likely that not to have taken place before any allegation could be proved.

The panel heard from a number of witnesses at this hearing. Key to all the allegations, was the evidence of Pupil A and Mr Joel Mansell.

In general terms, the panel found Pupil A a credible witness. Whilst the panel did note some vagueness and inconsistencies in parts of her evidence, the panel considered

these were consistent with the effect of the passage of time on a witness's memory and that Pupil A was still a child at the time. The panel considered that her account regarding the core issues, when considered alongside the other evidence in the case, was a truthful account. The panel did not consider that the fact that Pupil A admitted not being honest about her [REDACTED], essentially an online CV, as a persuasive factor in fundamentally undermining her credibility.

The panel considered Mr Mansell was guarded in his evidence and overly cautious when giving answers. The panel noted Mr Mansell would often simply recite passages from his statement in responses to questions. In considering his evidence alongside other evidence in the case, the panel did not consider his account compelling.

The crux of this case rests on the question of whether Mr Mansell entered into a sexual relationship with Pupil A. The panel finds, it is more likely than not, that Mr Mansell did so.

Findings of fact

The panel's specific findings of fact are as follows:

1. On various unknown dates, during the period 2001 to 2002, you:

a) spoke with Pupil A by telephone about non-School matters;

Pupil A gave evidence that she and Mr Mansell had swapped numbers after she had received a number of lifts home from him. Mr Mansell would ring her landline and they spoke on a number of occasions. Pupil A described that Mr Mansell would 'put a voice on' in an attempt to disguise his age, if anyone else picked up the phone.

Mr Mansell accepted that he had had telephone conversations with Pupil A about non-school matters. Mr Mansell stated that he did not initially contact Pupil A by phone and that she must have obtained his number when she used his mobile phone at school once. This was when he was on duty at the school gates and Pupil A said she needed to call home. From the conversations he had formed the view that Pupil A [REDACTED], so continued to engage in calls with her [REDACTED]. Mr Mansell did not report the calls or any [REDACTED] to any other members of staff at the school or local authority.

The panel considered the detail provided in Pupil A's account, such as putting voices on, was a detail that was unlikely to have been made up. The panel did not find Mr Mansell's account credible, particularly in regard to his explanation as to how Pupil A obtained his number. Mr Mansell offered no plausible account as to why he did not disclose or follow up any concerns he had about Pupil A's [REDACTED] from his conversations with her, which the panel considered any other teacher would do for a [REDACTED].

When put alongside the panel's other findings, the panel consider that it was more likely than not that Mr Mansell was calling Pupil A on occasions in furtherance of an inappropriate relationship.

Therefore, the panel finds this allegation proved.

b) met Pupil A after School hours unaccompanied;

Pupil A gave evidence that she was [REDACTED] being held at the school and that is where she met Mr Mansell who was a [REDACTED] teacher, although [REDACTED]. Following [REDACTED], Mr Mansell first gave Pupil A a lift home, which became more regular as time went on. Pupil A also described being alone with Mr Mansell in his flat on a number of occasions and spending the day with him on one occasion on a visit to Nottingham.

Mr Mansell gave evidence that he had met with Pupil A after school hours as he had given her a lift home on a number of occasions. To that extent, Mr Mansell admitted the allegations.

When put alongside the panel's other findings, the panel consider that it was more likely than not that Mr Mansell was with Pupil A on a number of occasions in furtherance of an inappropriate relationship.

Therefore, the panel finds this allegation proved.

c) drove Pupil A to her home unaccompanied;

For the reasons discussed above, the panel also find this allegation proved on the balance of probabilities.

d) met Pupil A in your home unaccompanied;

Pupil A gave evidence about the inside of Mr Mansell's property. In her ABE interview, she described the flat as having a musty smell to it, with a futon type bed in the bedroom. In her evidence before the panel, Pupil A described Mr Mansell's flat as quite bare.

In his interview under caution, prior to hearing Pupil A's account in her ABE, Mr Mansell described his flat as damp and horrible, with little furniture and a low bed.

The panel also heard evidence from [REDACTED] and [REDACTED], about items in the flat. Whilst the panel did not consider them untruthful witnesses, the panel noted they were not independent witnesses. [REDACTED] had not been in the flat and mentioned reviewing the case papers in [REDACTED] written statement. Therefore, the panel attached limited weight to their evidence.

The panel placed significant weight on the similar accounts given about the flat by Pupil A and Mr Joel Mansell. In his evidence, Mr Mansell advanced that Pupil A must have

obtained information about the inside of his flat from the internet. Whilst the panel were mindful that it was not Mr Mansell's duty to disprove any allegation, the panel did not find this a credible explanation as to how Pupil A was able to provide the above similarities. There was no evidence to suggest that the above details were available on the internet.

As such, the panel find that it is more likely than not, that Pupil A had been inside Mr Mansell's flat on a number of occasions.

Therefore, the panel find this allegation proved. The panel also considered this finding an important factor in lending credibility to Pupil A's account regarding the other allegations.

e) provided alcohol to Pupil A at a time when she was under the legal age limit;

Pupil A gave evidence that on at least one occasion, she specifically remembers Mr Mansell giving her a glass of red wine whilst at his flat. On that occasion Pupil A states that she thought that [REDACTED].

Mr Mansell denied ever providing Pupil A with alcohol.

[REDACTED]. The panel noted that Pupil A had only described that person as [REDACTED] and bearing in mind the passage of time and the age of Pupil A at the time, establishing the fact that it wasn't [REDACTED], did not fundamentally undermine Pupil A's account.

The panel considered Pupil A's account credible in this regard when put alongside other proven allegations and therefore find it was more likely than not that Mr Mansell provided Pupil A with alcohol [REDACTED].

Therefore, the panel find this allegation proved.

f) had sexual intercourse with Pupil A;

Pupil A gave evidence that as the relationship with Mr Mansell developed, she went to his home address, where they had sexual intercourse on a number of occasions. She described in detail, losing her virginity to Mr Mansell in the property.

Mr Mansell denied that he had had any sexual relationship with Pupil A.

The panel considered Pupil A's account credible and she gave details about aspects that she might have found to be embarrassing, such as being on her period and using a condom, which she would be unlikely to make up.

The panel also considered Mr Mansell's entry in Pupil A's school 'Leaver's Book' [REDACTED], which read:

"Dear [Pupil A],

Well, it's been a ball, in many ways!

Remember, a date for February and Venice...

Joel Mansell."

Mr Mansell accepted he had written the entry in the book, but was unable to provide an account as to what it meant.

The panel considered Mr Mansell's entry in this document, which was one of the few contemporaneous documents from the time of the allegations, as an unusual entry for any teacher to make, [REDACTED]. Reference to having a 'ball in many ways' was at odds with the account that Mr Mansell gave regarding the relationship between them, which he described as little more than a pupil confiding in a teacher about [REDACTED]. The panel also considered the natural inference that the reference to a date in February and Venice held was a romantic connotation. The panel considered that this piece of evidence supported the account that Pupil A gave.

The panel therefore considered that it was more likely than not, that Mr Mansell had engaged in sexual intercourse with Pupil A and find this allegation proved.

2. Your conduct as set out in paragraph 1 was sexually motivated;

Having found allegation 1 proved, particularly allegation 1f, the panel considered the only natural explanation for Mr Mansell's behaviour would be for sexual gratification and pursuit of a sexual relationship. The panel therefore find that it is more likely than not that Mr Mansell's conduct was sexually motivated.

3. By your conduct as set out in paragraph 1, you failed to observe a proper boundary appropriate to a teacher's professional position.

Following the finding of a sexual relationship between a teacher and pupil at their school, it is plainly evident that proper boundaries were not kept and on the balance of probabilities the panel find this allegation proved.

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

Having found a number of 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 mindful that this was conduct that happened a number of years ago, and in some circumstances, holding teachers to the standards that are in place today, could lead to an injustice. That is not the position in Mr Mansell's case. Regardless of the developments of safeguarding in recent years, Mr Mansell's conduct fell significantly short of the expected standards of a teacher, even considering the passage of time.

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

The panel was satisfied that the conduct of Mr Mansell amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Mansell's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice, but did not find these helpful bearing in mind the changes in sexual offences legislation in the intervening period.

The panel noted that the allegations took place outside the education setting, but that they demonstrated that Mr Mansell's conduct led to pupils being exposed to, or influenced by, his behaviour in a harmful way, which may have an impact on how he fulfilled his teaching role.

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 that they behave.

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, potentially damaging the public perception.

The panel considered that Mr Mansell's behaviour of taking advantage of a [REDACTED], for his own sexual gratification, as completely incompatible with the standing of the profession. This was a gratuitous breach of trust between a teacher and those in his care.

Having found the facts of allegations proved, the panel further found that Mr Mansell'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 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 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 protection of pupils;
- The maintenance of public confidence in the profession;
- Declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Mansell which involved a significant breach of trust between a teacher and [REDACTED] for his own sexual gratification, there was a strong public interest consideration in respect of the protection of pupils. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Mansell 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 Mansell was wholly outside that which could reasonably be tolerated.

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

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 Mansell. 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 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 well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, 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.

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 no evidence that Mr Mansell's actions were not deliberate. There was no evidence to suggest that Mr Mansell was acting under duress, and, in fact, the panel found Mr Mansell's actions to be calculated and motivated.

The panel did note the positive reference provided by a teaching colleague for when Mr Mansell was applying for another school position. Mr Mansell was described as making a 'tremendous contribution' to the [REDACTED] department and would be a loss to the school. The panel also noted that, in a statement for these proceedings by another teaching colleague, that they considered Mr Mansell's lessons to be 'outstanding'.

The panel noted the response from Mr Mansell's representative: "*Mr Mansell has indicated that he would be prepared to accept the sanction imposed on him*" and take that as understanding that Mr Mansell did not wish to put any further mitigating evidence before the panel and showed that he had some recognition regarding the seriousness of the panel's findings.

The panel was not therefore provided with any further information in regard to any further training or insight Mr Mansell had gained regarding the setting of professional boundaries and safeguarding of children. This was of particular concern to the panel bearing in mind Mr Mansell's own account in his evidence of failing to disclose concerns he may have had about [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. Mr Mansell's conduct was at the most serious end of the spectrum in regard to sexual misconduct and the breach of trust between a teacher and pupil. 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 Mansell 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 Mansell. Mr Mansell's sexually motivated misconduct 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 behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include:

- Serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons.

The panel 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 provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Mansell 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

The panel was also "satisfied that the conduct of Mr Mansell amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The findings of misconduct are particularly serious as they include a finding of sexually motivated conduct with a pupil.

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 Mansell, 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, "Mr Mansell's conduct led to pupils being exposed to, or influenced by, his behaviour in a harmful way, which may have an impact on how he fulfilled his teaching role." 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, which the panel sets out as follows, "The panel was not therefore provided with any further information in regard to

any further training or insight Mr Mansell had gained regarding the setting of professional boundaries and safeguarding of children. This was of particular concern to the panel bearing in mind Mr Mansell's own account in his evidence of failing to disclose concerns he may have had about [REDACTED]." In my judgement, the lack of full insight 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, "the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception."

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

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

I have considered whether the publication of a finding of 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 Mansell himself. The panel comment "The panel did note the positive reference provided by a teaching colleague for when Mr Mansell was applying for another school position. Mr Mansell was described as making a 'tremendous contribution' to the [REDACTED] department and would be a loss to the school. The panel also noted that, in a statement for these proceedings by another teaching colleague, that they considered Mr Mansell's lessons to be 'outstanding'."

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

In this case, I have placed considerable weight on the panel's comments, "Mr Mansell's conduct was at the most serious end of the spectrum in regard to sexual misconduct and the breach of trust between a teacher and pupil."

I have also placed considerable weight on the finding of the panel that Mr Mansell's conduct was, "a gratuitous breach of trust between a teacher and those in his care."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Mansell 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 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 and in the public interest in order to achieve the intended aims of a prohibition order.

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include:

- Serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons.

The panel 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 provisions for a review period."

I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate and necessary to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that not allowing for a review period is necessary are the serious nature of the misconduct, the vulnerability of the pupil and the lack of full insight.

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 Joel Mansell 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 Joel Mansell 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 Joel Mansell 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.

Alan Meyrick

Decision maker: Alan Meyrick

Date: 12 July 2022

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