



Teaching
Regulation
Agency

Mr Paul Stuart-Turner: Professional conduct panel outcome

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

January 2020

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

Teacher:	Mr Paul Stuart-Turner
Teacher ref number:	8457123
Teacher date of birth:	19 April 1963
TRA reference:	16307
Date of determination:	10 January 2020
Former employer:	Saffron Walden County High School, Saffron Walden

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 October to 18 October 2019 and 6 January to 10 January 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Paul Stuart-Turner.

The panel members were Mr Tony Woodward (former teacher panellist – in the chair), Cllr Gail Goodman (teacher panellist) and Dr Angela Brown (lay panellist).

The legal adviser to the panel was Miss Claire Watson of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA during 14 to 18 October 2019 was Miss Naomh Gibson of Browne Jacobson LLP solicitors. The presenting officer for the TRA during 6 to 10 January 2020 was Mr Andrew Cullen of Browne Jacobson LLP solicitors.

Mr Paul Stuart-Turner was present and was represented by Mr Jonathan Storey of Counsel.

The hearing took place in public and was recorded, except for parts of the hearing which were heard in private.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 23 April 2019.

It was alleged that Mr Paul Stuart-Turner was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Saffron Walden County High School (“the School”), he:

1. Engaged in an inappropriate relationship with Student A, including that he;
 - a. engaged in inappropriate physical and/or sexual contact with Student A between February 2004 and July 2005, including by;
 - i. kissing her on the lips on more than one occasion;
 - ii. rubbing himself against her on more than one occasion;
 - b. Engaged in sexual activity and/or had sexual intercourse with her on one or more occasions shortly after she had left the school, including on an occasion in or around July 2005.

The teacher admitted the facts of allegation 1(b) and that these facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The teacher denied allegation 1(a) in its entirety.

C. Preliminary applications

The panel considered whether it required two of the witnesses to read their witness statements aloud. The panel took into account that both the presenting officer and teacher’s representative opposed the suggestion for the witnesses to read their statements out loud.

The panel decided to take witness statements as read, given the content and the length of the statements. The panel had read the statements in advance of the hearing and had the opportunity to ask questions of the witnesses.

Excluding the public

The panel considered an application from the presenting officer and the teacher’s representative that parts of the hearing should be held in private. It decided that the public interest required that the hearing should be public, but decided it would hear certain parts of evidence in private.

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers’ Disciplinary (England) Regulations 2012 (the “Regulations”) and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the “Procedures”) to exclude the public from all or part of the hearing.

The panel determined to exercise its discretion under paragraph 11(3)(a) and 11(3)(b) of the Regulations and the three bullet points of paragraph 4.57 of the Procedures as relevant to each application that the public should be excluded from part of the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of the proceedings and also to maintain confidence in the teaching profession.

On this occasion, however, the panel considered that the requests for part of the hearing to be heard in private, were reasonable given concerns about confidential matters relating to health being placed in the public domain.

The panel also considered whether anonymity sufficiently protected the interests of Student A without the need to exclude the public from the hearing. The panel was not satisfied that this would be a sufficient step given that it had been brought to its attention that the School is in a small community and the reason cited in the teacher's request for part of the hearing to be held in private, was that the case concerns personal issues relating to the teacher's health.

The panel noted that any departure from the general rule had to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing was preferable to a permanent exclusion of the public. The panel had therefore, considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to health, and considered that to the extent it became necessary during the course of the hearing to discuss such matters, the panel could consider at that stage whether to exclude the public from that portion of the hearing only.

The panel had regard to whether the teacher and presenting officer's request ran contrary to the public interest. The panel was required to announce its decision in public as to whether the facts had been proven and whether those facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continued, any decision of the Secretary of State would also be in public. The panel considered that in the circumstances of this case where the facts are so intertwined with private matters relating to health that the public interest would be satisfied by these public announcements. Those public announcements would ensure that public confidence in the proceedings and in the standards of the profession were maintained.

Additional documents

During the course of the hearing, the teacher's representative applied to admit three photographs of a room within the School. Those documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under

paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from the teacher that the photographs were relevant due to the evidence heard from Student A and the focus on the room. The presenting officer had no objection to the admission of the documents.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case as the photographs were of a room which Student A had referred to in evidence, and assisted with the description of the room. The panel noted that witnesses could be asked questions about the room and its layout in 2004 and 2005.

Amending the allegations

The panel considered whether to amend the allegations to include sexual motivation and to change the word “including” to “namely” or “specifically”. The panel had the power, in the interests of justice, to amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case had been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher and the parties were afforded that opportunity. The presenting officer opposed the amendments on the ground that the allegations as drafted did not pose any difficulties evidentially or procedurally. The teacher’s representative opposed the amendments on the basis that it was for the TRA to prove its case and it had sufficient time to amend the allegations. This was a case where sexual motivation was intrinsic to the matters and it was unnecessary to plead it separately.

The panel decided not to amend the allegations to specifically state sexual motivation or change “including” to “namely” or “specifically”. The panel did not consider that it would be in the interests of justice to amend the allegation. The presenting officer had ample opportunity to formulate the allegations in advance of the hearing and to amend the allegations at a late stage would cause unfairness to the teacher. The panel noted that the teacher had prepared his defence on the basis of the allegations as drafted, and the panel would receive legal advice that it must confine its deliberations to the allegations.

During the course of the hearing, the panel also considered whether it was necessary to amend allegation 1(b) to remove the wording “shortly after she had left the school”. Before considering this, the panel invited the parties to make representations as to obtaining a definitive view on a date when a pupil was considered to have left the school in 2005. Both the presenting officer and teacher’s representative opposed a short adjournment to obtain further information. The teacher’s representative explained that the definitive position in relation to the leaving date was that as set out in the TRA’s case and was that upon which the teacher had prepared his defence. The presenting officer stated

that, in preparation for the case, legal research had been undertaken as to the date when a pupil was considered to have been taken off the School's roll in 2005. In 2005, it was the School's procedure to take a pupil off the roll when the relevant paperwork had been processed and entered onto the MIS system. In this instance, Student A was deemed to have been removed from the School's roll on 30 June 2005.

The panel considered the representations from the presenting officer and teacher's representative and accepted that appropriate research had been undertaken to determine Student A's leaving date at the School. Therefore, the panel decided not to progress the matter further.

D. 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 7 to 9

Section 2: Notice of Proceedings and Response – pages 11 to 36

Section 3: Teaching Regulation Agency witness statements – pages 38 to 56

Section 4: Teaching Regulation Agency documents – pages 58 to 235

Section 5: Teacher documents – pages 237 to 393

In addition, the panel agreed to accept the following:

- Photographs of the resources room – pages 394 to 396

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The panel heard oral evidence from the following witnesses, called by the presenting officer:

- Witness A, Student A
- Witness B, [REDACTED]
- Witness C, [REDACTED]
- Witness D, teacher at the School

The panel also heard oral evidence from the following witnesses, called by the teacher:

- Witness E, former teacher at the School

- Witness F, teacher at the School

The teacher also gave evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed it had read all of the documents provided in the bundle in advance of the hearing.

Mr Stuart-Turner was employed as a teacher at the School from 1996 until 30 March 2018. In the academic years from 2003 to 2005, Mr Stuart-Turner taught Student A. In July 2005, Student A and Mr Stuart-Turner attended a [REDACTED] trip, during which it is alleged they engaged in sexual activity. After Student A had left [REDACTED] the School in 2005, Student A and Mr Stuart-Turner entered a relationship which lasted until approximately October 2008. In December 2016, Student A [REDACTED] disclosed that she had been abused by Mr Stuart-Turner. This triggered a police investigation, following which the police took no further action. The School subsequently held a disciplinary hearing at which Mr Stuart-Turner was dismissed.

Findings of fact

The findings of fact are as follows:

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

Whilst employed as a Teacher at Saffron Walden County High School ('the School'), you:

1. Engaged in an inappropriate relationship with Student A, including that you;

The stem of allegation 1 was admitted. The panel found the stem of allegation 1 proven for the reasons outlined below.

b. Engaged in sexual activity and/or had sexual intercourse with her on one or more occasions shortly after she had left the school, including on an occasion in or around July 2005.

At the outset of the hearing, the presenting officer set out the TRA's case in respect of allegation 1(b), and asked the panel to consider the alleged sexual intercourse on 27 July 2005 to be the sole instance of sexual activity which has been said to occur shortly after Student A left the roll.

The panel had sight of the statement of agreed and disputed facts. At paragraph 7 of the statement, Mr Stuart-Turner admits that he “engaged in physical and sexual contact with Student A on 27 July 2005”. In his oral evidence, Mr Stuart-Turner admitted to engaging in sexual intercourse with Student A [REDACTED] on 27 July 2005. Throughout her written evidence and oral evidence Student A states that sexual intercourse occurred on the [REDACTED] expedition.

The panel acknowledge that there are inconsistencies in the accounts of 27 July 2005 between Student A and Mr Stuart-Turner. Nevertheless, the panel found that Mr Stuart-Turner did engage in sexual intercourse with Student A after she had left the school, including on an occasion in or around July 2005.

Therefore, the panel found allegation 1(b) proven.

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

a. Engaged in an inappropriate physical and/or sexual contact with Student A between February 2004 and July 2005, including by;

i. kissing her on the lips on more than one occasion;

In her written witness statement, Student A stated that on one occasion, she stayed behind after school to update the display board in the classroom when Mr Stuart-Turner came into the classroom and pushed against her “with a small amount of pressure” and kissed her on the lips for about 10 seconds. However, the panel noted in an interview with the police, Student A stated that when putting up a display board in his classroom, he came into the room and walked towards her before a cleaner walked into the room. In this recollection of events, Student A makes no reference to a kiss.

In the interview with the police, Student A stated the first time Mr Stuart-Turner kissed her was “definitely” [REDACTED] in one of the tutorial rooms. Whilst unable to recall the total amount of times he kissed her, Student A states that tutorials were either weekly or fortnightly and Mr Stuart-Turner used these occasions to sit closer to her. In her witness statement, Student A states from February 2004 to the summer of 2004, “I estimate that Mr Stuart-Turner kissed me more than twice each month”.

The panel considered the inconsistencies between Student A’s accounts to the police, her written witness statement and her live evidence. For example, in her police interview when discussing the checkpoints at the [REDACTED] expedition in July 2005, Student A stated “we probably kissed but I’m not sure” and then went on to say “I can remember him kissing me on the check points but not the locations”.

Mr Stuart-Turner in live evidence stated he had no physical contact with her then, nor any other student in 21 years of teaching. Mr Stuart-Turner was categorical, unequivocal and consistent in his denial that he kissed Student A prior to 27 July 2005.

The panel found both Student A and Mr Stuart-Turner to be credible witnesses when giving live evidence. However, the panel noted the numerous inconsistencies in Student A's evidence and did not consider there to be any corroborative evidence of Student A's account.

In relation to the occasion of sexual intercourse on 27 July 2005, it is admitted and found proven that Mr Stuart-Turner kissed Student A. However, the panel did not find kissing occurred on more than this one occasion.

Therefore, the panel did not find allegation 1(a)(i) proven.

ii. rubbing yourself against her on more than one occasion;

Mr Stuart-Turner's representative invited the panel to consider a narrow interpretation of the allegation and consider "rubbing yourself" to only include the physical contact stated by Student A during her police interview. The presenting officer stated that the TRA's case at the outset had been that rubbing included the alleged masturbation activities. The panel considered the ordinary, natural meaning of the wording of the allegation and considered that the allegation of "rubbing yourself" included the alleged "rubbing masturbation-type activity". It was acknowledged that Mr Stuart-Turner had understood this to be the basis on which the TRA's case was presented at the outset of the hearing and as such the panel considered that no unfairness was caused to Mr Stuart-Turner.

Mr Stuart-Turner was clear and unequivocal, particularly in his live evidence, that no physical contact occurred prior to 27 July 2005. This denial encompassed all occurrences of physical and sexual contact, including rubbing himself against Student A.

The panel considered the evidence of Student A as to the rubbing activities. In live evidence, Student A stated that the rubbing activities did not occur when the doors were open. She also stated that when holding a tutorial in the resources room, where she accepted the majority of her tutorials occurred, "he would prop the door open in there". She further added that the door was open "sometimes but not all". The panel heard evidence from Witness F that more often than not, Mr Stuart-Turner would wedge his door open, and from Mr Stuart-Turner that he wedged doors open during tutorials and when a pupil was working in his room.

In her written statement, Student A stated that Mr Stuart-Turner "was engaging in the masturbation behaviour with me twice a week". The panel heard evidence from Mr Stuart-Turner relating to the timetabling of tutorials for one hour a fortnight, during which he would hold approximately 3 tutorials, and from Witness D, who recalled tutorials being timetabled for one hour a fortnight.

The panel considered that the TRA had presented no corroborative evidence to support Student A's evidence in relation to the rubbing activities. Additionally, the panel considered that the evidence heard from other witnesses in relation to Mr Stuart-Turner's usual practice and tutorial arrangements supported Mr Stuart-Turner's explanations.

Therefore, the panel did not find allegation 1(a)(ii) proven.

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

Having found allegation 1(b) proven, the panel went on to consider whether the facts of that proven allegation amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to its knowledge and experience as to the teaching standards at that time. The panel had sight of the General Teaching Council for England, Code of Conduct and Practice for Registered Teachers, which came into force 1 November 2004 (“the Code of Practice”) in the bundle. Unacceptable professional conduct is defined as “conduct which falls short of the standard expected of a registered teacher ... and is behaviour which involves a breach of the standards of propriety expected of the profession”. The Code of Conduct states “registered teachers may be found guilty of unacceptable professional conduct where they otherwise bring the reputation and standing of the professional into disrepute”.

The panel noted that the Code of Conduct did not specifically refer to relationships with former pupils and that the further information and examples provided in the Code of Conduct did not provide clarity.

The panel took account of its own understanding and experience of the teaching standards in and around July 2005, as well as the prevailing culture of that era. The panel considered the situation where a pupil was officially recorded as having left [REDACTED] in June 2005, but returned [REDACTED] during the summer holidays to receive their [REDACTED] results. If, in July 2005, during the summer in which the pupil received their [REDACTED] results, a teacher engaged in sexual intercourse with an [REDACTED] former pupil, then, that sexual intercourse would have amounted to a breach of the teaching standards at the time. In the panel’s experience of that era, it considers that it was not appropriate for a teacher to engage in sexual intercourse with a former pupil so soon after that pupil had left [REDACTED].

The panel therefore considered that Mr Stuart-Turner’s actions fell short of the standards expected of the profession at the time, particularly that he brought the reputation and standing of the profession into disrepute, through his failure to maintain appropriate professional boundaries with Student A on the 27 July 2005.

Today, the standards are more clearly codified in the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”. This current codified standard is only relevant to the extent that it describes how a person should fulfil their teaching role today. The panel considered that the conduct found proven at allegation 1(b) was conducted inside the education setting as the [REDACTED] expedition was considered a school trip and arranged by the School. The panel did not go on to consider

whether Mr Stuart-Turner's actions as found proven breached current teaching standards.

The panel was satisfied that the conduct of Mr Stuart-Turner amounted to conduct which falls short of the standard expected of a registered teacher, and is behaviour which involves a breach of the standards of propriety expected of the profession.

The panel also considered whether Mr Stuart-Turner's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offence of sexual activity was relevant. Mr Stuart-Turner engaged in sexual intercourse with Student A shortly after she had left the School.

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.

Accordingly, the panel was satisfied that Mr Stuart-Turner was guilty of unacceptable professional conduct, according to the standards at the time (in 2005).

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 panel also found that Mr Stuart-Turner's actions constituted conduct that may bring the profession into disrepute, as referred to in the standards at the time.

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 maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Stuart-Turner, which involved sexual intercourse on one occasion with a recent former pupil of the School in July 2005, there was a strong public interest consideration in maintaining public confidence in the profession given that the public would not expect a teacher to engage in such conduct so soon after the pupil had left the School and at an activity organised by the School. Public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stuart-Turner were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel did not consider that there was a strong public interest consideration in respect of the protection of pupils, despite the serious findings of an inappropriate relationship with Student A, given that almost 15 years have passed since the event and the fact that Student A had left the School when the sexual intercourse occurred. The panel did not consider that current pupils are likely to be exposed to or influenced by this behaviour in a harmful way. To corroborate this, the panel had sight of a risk assessment undertaken by the School in April 2017 which states that there is "no clear risk of re-occurrence of the misconduct". Nor does the panel consider that it would affect the way in which Mr Stuart-Turner now fulfils his teaching role or his ability to meet today's Teachers' Standards. The panel felt that Mr Stuart-Turner acknowledged that his actions as found proven had been inappropriate and was able to explain how his behaviour would change should he be permitted to return to the teaching 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 Stuart-Turner was outside that which could reasonably be tolerated.

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he was able to make a valuable contribution to the profession.

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 Stuart-Turner.

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 Stuart-Turner. 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 proven. 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;

The panel considered the standards at the time (in 2005), as opposed to today's Teachers' Standards. The panel felt Mr Stuart-Turner's conduct amounted to a serious departure from the personal and professional conduct elements of the standards at the

time, albeit as referred to above the panel was not concerned as to his ability to meet today's Teaching Standards.

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

Even though Student A was off the roll, the panel felt that due to the previous teacher and pupil relationship and that the event occurred shortly after she had left the School's roll, Mr Stuart-Turner was still in a position of trust.

- sexual misconduct, eg 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.

The action as found proven was inherently an act of a sexual nature. The panel recognise that no sexual offence has been committed. However, the panel felt that Mr Stuart-Turner had met Student A through his professional position as a teacher and, particularly due to the short timescale involved following Student A being removed from the School's roll, his action displayed behaviours associated with using the trust derived from his professional position.

Even though some of the behaviour found proven 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 not appropriate or proportionate.

There was no evidence that the teacher's actions were not deliberate and there was no evidence to suggest that the teacher was acting under duress.

The teacher did have a previously good history and the panel accepted that the incident was out of character.

The panel had sight of a number of character references and heard from a number of witnesses of Mr Stuart-Turner's good character and attestations to his abilities as a teacher and the panel was referred to these in mitigation.

The former headteacher at the School described Mr Stuart-Turner as an "excellent teacher" with "excellent exam results".

A former colleague, having known Mr Stuart-Turner for 15 years, wrote "in all that time I have always found him to be an exemplary professional".

Another former colleague also stated, "his ability to get the best from his students through encouragement and taking the time to listen to them led to trusting, professional student-teacher relationships".

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, the recommendation of no prohibition order would not be a proportionate and appropriate response. Recommending that the publication of adverse findings would be sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for the teacher 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 Stuart-Turner. The finding of sexual 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 proven, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, e.g. 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 their professional position to influence or exploit a person or persons. The panel found that Mr Stuart-Turner was responsible for engaging in sexual intercourse with Student A shortly after she had left the School's roll, which it found to be a behaviour linked to serious sexual misconduct. It did not find that Mr Stuart-Turner had influenced or exploited Student A.

The panel considered that Mr Stuart-Turner had both shown remorse into his actions and accepted that he had acted inappropriately. It was clear that he regretted his actions on 27 July 2005 and any impact this may have had in causing harm to Student A. However, the panel felt that Mr Stuart-Turner's insight into his actions had developed relatively recently, and considered that a review period would be appropriate to provide Mr Stuart-Turner with a further period of time to develop reflection and further insight. The panel felt Mr Stuart-Turner's insight was of such a degree that it did not consider that Mr Stuart-Turner would repeat his actions 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 provisions for a review period of 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 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. I have therefore put those matters entirely from my mind.

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

In particular, the panel say, “The panel therefore considered that Mr Stuart-Turner’s actions fell short of the standards expected of the profession at the time, particularly that he brought the reputation and standing of the profession into disrepute, through his failure to maintain appropriate professional boundaries with Student A on the 27 July 2005.”

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 Stuart-Turner, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “The panel did not consider that there was a strong public interest consideration in respect of the protection of pupils, despite the serious findings of an inappropriate relationship with Student A, given that almost 15 years have passed since the event and the fact that Student A had left the School when the sexual intercourse occurred. The panel did not consider that current pupils are likely to be exposed to or influenced by this behaviour in a harmful way. To corroborate this, the panel had sight of a risk assessment undertaken by the School in April 2017 which states that there is “no clear risk of re-occurrence of the misconduct”. Nor does the panel consider that it would affect the way in which Mr Stuart-Turner now fulfils his teaching role or his ability to meet today’s Teachers’ Standards.”

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered that Mr Stuart-Turner had both shown remorse into his actions and accepted that he had acted inappropriately. It was clear that he regretted his actions on 27 July 2005 and any impact this may have had in causing harm to Student A. However, the panel felt that Mr Stuart-Turner's insight into his actions had developed relatively recently, and considered that a review period would be appropriate to provide Mr Stuart-Turner with a further period of time to develop reflection and further insight. The panel felt Mr Stuart-Turner's insight was of such a degree that it did not consider that Mr Stuart-Turner would repeat his actions in the future."

I have therefore given this element considerable weight in reaching my decision. In particular I have given weight to the fact that the panel felt that "Mr Stuart-Turner's insight into his actions had developed relatively recently." This is not a case where the panel felt Mr Stuart-Turner has been showing insight for the full 15 years since the incident took place.

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's findings against Mr Stuart-Turner, which involved sexual intercourse on one occasion with a recent former pupil of the School in July 2005, there was a strong public interest consideration in maintaining public confidence in the profession given that the public would not expect a teacher to engage in such conduct so soon after the pupil had left the School and at an activity organised by the School. Public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stuart-Turner were not treated with the utmost seriousness when regulating the conduct 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 Stuart-Turner himself. The panel comment "The teacher did have a previously good history and the panel accepted that the incident was out of character. The panel had sight of a number of character references and heard from a number of witnesses of Mr Stuart-Turner's good character and attestations to his abilities as a teacher and the panel was referred to these in mitigation. The former headteacher at the School described Mr Stuart-Turner as an "excellent teacher" with "excellent exam results". A former colleague, having known Mr Stuart-Turner for 15 years, wrote "in all that time I have always found him to be an

exemplary professional". Another former colleague also stated, "his ability to get the best from his students through encouragement and taking the time to listen to them led to trusting, professional student-teacher relationships".

A prohibition order would prevent Mr Stuart-Turner 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 insight and remorse as set out above. I have also noted the panel's comment, "The action as found proven was inherently an act of a sexual nature. The panel recognise that no sexual offence has been committed. However, the panel felt that Mr Stuart-Turner had met Student A through his professional position as a teacher and, particularly due to the short timescale involved following Student A being removed from the School's roll, his action displayed behaviours associated with using the trust derived from his professional position."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Stuart –Turner 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. As the panel say, "Mr Stuart-Turner was responsible for engaging in sexual intercourse with Student A shortly after she had left the School's roll, which it found to be a behaviour linked to serious sexual misconduct. It did not find that Mr Stuart-Turner had influenced or exploited Student A." Nonetheless Mr Stuart-Turner says "It was clear that he regretted his actions on 27 July 2005 and any impact this may have had in causing harm to Student A."

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 2 year review period.

I have considered the panel's comments "It was clear that he regretted his actions on 27 July 2005 and any impact this may have had in causing harm to Student A. However, the panel felt that Mr Stuart-Turner's insight into his actions had developed relatively recently, and considered that a review period would be appropriate to provide Mr Stuart-Turner with a further period of time to develop reflection and further insight. The panel felt Mr Stuart-Turner's insight was of such a degree that it did not consider that Mr Stuart-Turner would repeat his actions 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 provisions for a review period of 2 years."

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there has been a fifteen year period since the misconduct. The law is very clear that prohibition orders should not be punitive although they may have a punitive effect. In this case a prohibition order is necessary as set out above. Mr Stuart-Turner will be prohibited from teaching for life.

I consider however that a five year review period is required to satisfy the maintenance of public confidence in the profession. This behaviour happened on an educational trip shortly after the pupil had left school. The reasons for a longer review period are because of the educational setting, the proximity to the pupil leaving school, the sexual misconduct found, the panel's view that the insight was relatively recent and the clear acknowledgement by Mr Stuart-Turner of the harm caused.

This means that Mr Paul Stuart-Turner 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 17 January 2025, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Paul Stuart-Turner remains prohibited from teaching indefinitely.

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

Mr Paul Stuart-Turner 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: 17 January 2020

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