



Teaching
Regulation
Agency

Mr Craig Slater: Professional conduct panel outcome

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

September 2022

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	12

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

Teacher: Mr Craig Slater
Teacher ref number: 0237226
Teacher date of birth: 6 February 1981
TRA reference: 19913
Date of determination: 12 September 2022
Former employer: Byrchall High School, Wigan

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 12 September 2022 by way of a virtual hearing, to consider the case of Mr Craig Slater.

The panel members were Ms Fiona McLaren (lay panellist – in the chair), Ms Joanna Hurren (teacher panellist) and Mr Duncan Tilley (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Kiera Riddy of Browne Jacobson LLP solicitors.

Mr Slater was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 3 May 2022.

It was alleged that Mr Slater was guilty of having been convicted, at any time, of a relevant offence, in that:

1. He was convicted on his guilty pleas and sentenced to a term of five years and three months imprisonment in respect of the following offences:
 - a) five counts of sexual activity with a child;
 - b) three counts of making indecent images of a child;
 - c) engaging in sexual communication with a child;
 - d) inciting a child to watch sexual activity; and
 - e) inciting a child to engage in sexual activity.

Mr Slater admitted to the facts of allegation 1(a)-(e) in his response to the notice of hearing dated 20 August 2022 and in a letter to the TRA dated 20 August 2022. Further, Mr Slater admitted that those facts amounted to a conviction of a relevant offence.

Preliminary applications

Application to proceed in the absence of the teacher

Mr Slater was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Slater.

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*).

The panel was satisfied that the notice of hearing had been sent to Mr Slater in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the 'Procedures').

The panel concluded that Mr Slater's absence was voluntary and that he was aware that the matter would proceed in his absence. This was apparent from Mr Slater's letter to the TRA dated 20 August 2022 in which he confirmed that he voluntarily waived his right to attend the hearing; was content for the panel to make a decision in his absence; and that he understood that the findings may lead to a prohibition order.

The panel noted that Mr Slater had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Slater was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Slater was neither present nor represented.

Summary of evidence

Documents

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

- Section 1: Notice of hearing and response to notice of hearing – pages 4 to 16
- Section 2: Teaching Regulation Agency documents – pages 18 to 55
- Section 3: Teacher documents – pages 57 to 73

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

Witnesses

No witnesses were called to give oral evidence at the hearing.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Slater commenced employment as an ICT teacher at Byrchall High School ('the School') on 1 September 2003.

On 31 October 2019, the Sexual Crime Unit executed a warrant at an address in Wigan. A mobile phone was seized from a 15 year old boy. The phone was later examined and WhatsApp messages were recovered that were sexual in nature, contained sexual images and suggested that Mr Slater and the boy had engaged in sexual contact.

On 28 May 2020, the boy disclosed that he had sexual intercourse with Mr Slater. The boy stated that Mr Slater was aware of his age. He explained that he met Mr Slater on an adult dating application, Grinder, and had initially told Mr Slater that he was 16 years old, however he later admitted to Mr Slater that he was, in fact, 15 years old. Notwithstanding this, the boy and Mr Slater met on at least 6 occasions.

Mr Slater was arrested on 28 May 2020 and was later charged. He was sentenced at Bolton Crown Court on 23 April 2021, in respect of multiple offences involving: sexual activity with a child, sexual communication with a child, making/possessing indecent images of a child, inciting a child to watch sexual activity and inciting a child to engage in sexual activity.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved:

1. You were convicted on your guilty pleas and sentenced to a term of five years and three months imprisonment in respect of the following offences:

- a) five counts of sexual activity with a child;**
- b) three counts of making indecent images of a child;**
- c) engaging in sexual communication with a child;**
- d) inciting a child to watch sexual activity; and**
- e) inciting a child to engage in sexual activity.**

The reasons for these findings are set out below.

The panel noted that, within the response to the notice of hearing signed by Mr Slater on 20 August 2022 and in a letter to the TRA dated 20 August 2022, Mr Slater admitted to the facts of allegations 1(a)-(e). Further, Mr Slater admitted that those admitted facts amounted to a conviction of a relevant offence. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel noted page 8 of the Advice which states that where there has been a conviction at any time of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Bolton Crown Court, which detailed that Mr Slater had been convicted of five counts of sexual activity with a child, three counts of making indecent images of a child, engaging in sexual communication with a child, inciting a child to watch sexual activity and inciting a child to engage in sexual activity. The panel specifically noted the certificate of conviction stated that Mr Slater had been convicted upon his own confession.

In respect of the allegations, Mr Slater was sentenced at Bolton Crown Court on 23 April 2021 to 63 months imprisonment to run concurrently. In addition, he was placed on the Sex Offenders Register and made subject to a forfeiture order.

The panel found all of the allegations proven.

Findings as to conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations 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 Slater, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Slater was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that Mr Slater's conduct took place outside of the education setting and did not involve pupils or colleagues at the School. However, a pupil at another school was involved. The panel was therefore satisfied that Mr Slater's behaviour was relevant to teaching, working with children and working in an education setting.

The panel concluded that Mr Slater's behaviour was likely to have had an impact on the safety and/or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Slater's behaviour in committing the offence would affect public confidence in the teaching profession, given the influence that teachers have on pupils, parents and others in the community and given the gravity of Mr Slater's conviction.

The panel noted that Mr Slater's behaviour ultimately led to a term of imprisonment, which is indicative of the seriousness of the offences committed. The Advice states: *"it is likely that a conviction for any offence that led to a term of imprisonment, including any suspended sentence, will be considered "a relevant offence."*

The offences Mr Slater was convicted of involved: sexual activity with a child; sexual communication with a child; and making indecent images of a child. The Advice states that offences relating to these matters are likely to be considered "relevant offences".

The panel concluded that the offences Mr Slater had been convicted of were relevant to his fitness to be a teacher and therefore constituted relevant offences. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession and to safeguard children.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order 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.

The panel were aware that 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 public interest considerations set out in the Advice and found the following to be relevant: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Slater and the extremely serious nature of his convictions, there was a strong public interest consideration in respect of the protection of pupils.

The panel considered that public confidence in the profession would be seriously weakened if Mr Slater's conduct was not treated with the utmost seriousness. Furthermore, there was a strong public interest consideration in declaring proper standards of conduct. The panel found that Mr Slater's conduct fell significantly short of the standards expected of the profession.

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

The panel was of the view that Mr Slater's behaviour was at the most serious end of the spectrum. The panel considered paragraph 39 of the Advice, which states that it is likely that a teacher's behaviour will be incompatible with being a teacher if there is evidence of one or more of the factors set out in that paragraph. The panel concluded that the following factors were relevant in this case:

- 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;
- 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 pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;

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

Even though the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider mitigating factors.

The panel found that Mr Slater's actions were deliberate and calculated. There was no evidence to suggest that he was acting under extreme duress.

No evidence was submitted to attest to Mr Slater's previous history as a teacher or his ability as a teacher. There was no evidence before the panel which indicated that Mr Slater had demonstrated exceptionally high standards in either personal or professional conduct or that he had contributed significantly to the education sector.

The panel noted that the sentencing remarks indicated that substantial personal mitigation and character references were submitted as part of the criminal proceedings. However, this evidence was not available to the panel and therefore could not be taken into consideration.

Mr Slater did not provide specific mitigation evidence or character references. However, the panel noted a letter from Mr Slater to the TRA dated 10 August 2022 in which Mr Slater submitted that, upon reflection, he considers that a contributing factor to the offences he committed was [redacted]. Mr Slater believed that, in part, this was caused by the working conditions he faced as a teacher, including increased pressure and an unrelenting emphasis on targets. Within this letter, Mr Slater also indicated that he did not wish to teach again and accepted that a prohibition order was appropriate.

Whilst the panel took account of the representations Mr Slater had made and the limited reference he made in respect of the impact on his victim and others, it did not consider them to be compelling. In particular, the panel considered that Mr Slater demonstrated a concerning lack of insight and remorse. He did not appear to appreciate the gravity of his conduct; he had exploited his position of trust, engaged in grooming behaviour and committed serious offences against a child. There was little evidence that Mr Slater had taken steps to address his offending behaviour. For this reason, the panel considered there was no strong evidence that it would not be repeated.

The panel was particularly concerned that, upon learning that the boy in question was 15, Mr Slater did not cease communications with the child or take any steps to seek to safeguard the child. Instead, he continued to pursue sexual contact and sexual conversations with him for his own gratification. The panel also noted references to Mr Slater's sexual preferences in the bundle; the sentencing remarks state: [redacted] and minutes of a LADO meeting state: [redacted]. This caused the panel concern given that pupils in education settings fall within these age ranges.

The panel also noted that, within his communications with the TRA, Mr Slater criticised certain aspects of the TRA process and intimated that the hearing was futile. Putting the procedural issues aside (which were not matters for the panel to consider), the panel was of the view that Mr Slater's general attitude towards the TRA demonstrated a lack of respect for the TRA's authority and therefore the standards that teachers are required to uphold.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Slater 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 Slater given the serious nature of the offences. 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 panel considered paragraph 50 of the Advice which indicates that, where a case involves behaviours set out in that paragraph, it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel found the following were relevant in this case: 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; any sexual misconduct involving a child; and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child.

As set out above, the panel found that Mr Slater's conduct was at the most serious end of the spectrum. The evidence contained within the bundle relating to Mr Slater's conduct was disturbing and caused the panel significant concern. Furthermore, for the reasons referred to above, the panel did not consider that Mr Slater had demonstrated significant

insight or remorse and it was concerned about the risk of repetition. The panel did not therefore believe that Mr Slater should be allowed to teach again.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and 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 a relevant conviction.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have 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 Slater, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of a relevant conviction of sexual activity with a child, making indecent images of a child, sexual

communication with a child, inciting a child to watch sexual activity and inciting a child to engage in sexual activity.

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 Slater, 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, "In light of the panel's findings against Mr Slater and the extremely serious nature of his convictions, there was a strong public interest consideration in respect of the protection of pupils." 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, "Whilst the panel took account of the representations Mr Slater had made and the limited reference he made in respect of the impact on his victim and others, it did not consider them to be compelling. In particular, the panel considered that Mr Slater demonstrated a concerning lack of insight and remorse." In my judgement, the lack of full insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "Mr Slater's behaviour in committing the offence would affect public confidence in the teaching profession, given the influence that teachers have on pupils, parents and others in the community and given the gravity of Mr Slater's conviction." I am particularly mindful of the finding of sexual offences involving children 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 a relevant conviction, 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 Slater himself and the panel comment "No evidence was submitted to attest to Mr Slater's previous history as a teacher or his ability as a teacher. There was no evidence before the panel which indicated that Mr Slater had demonstrated exceptionally high standards in either personal or professional conduct or that he had contributed significantly to the education sector."

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "He did not appear to appreciate the gravity of his conduct; he had exploited his position of trust, engaged in grooming behaviour and committed serious offences against a child. There was little evidence that Mr Slater had taken steps to address his offending behaviour. For this reason, the panel considered there was no strong evidence that it would not be repeated."

I have also placed considerable weight on the finding that "The panel was particularly concerned that, upon learning that the boy in question was 15, Mr Slater did not cease communications with the child or take any steps to seek to safeguard the child. Instead, he continued to pursue sexual contact and sexual conversations with him for his own gratification."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Slater has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

The published Advice is clear when considering cases involving sexual misconduct with children, Mr Slater was convicted of numerous sexual offences which led to a term of imprisonment, and indicative of the seriousness of those offences.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

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

I have considered the panel's comments "the panel found that Mr Slater's conduct was at the most serious end of the spectrum. The evidence contained within the bundle relating to Mr Slater's conduct was disturbing and caused the panel significant concern. Furthermore, for the reasons referred to above, the panel did not consider that Mr Slater had demonstrated significant insight or remorse and it was concerned about the risk of repetition. The panel did not therefore believe that Mr Slater should be allowed to teach again."

Factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the professional, these elements are the seriousness of the findings involving sexual offences with children and the lack of insight or remorse.

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

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

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath the first few letters.

Decision maker: Sarah Buxcey

Date: 15 September 2022

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