



Teaching  
Regulation  
Agency

# **Mr Paul Elliott: Professional conduct panel outcome**

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

**October 2022**

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

<b>Teacher:</b>	Mr Paul Elliott
<b>Teacher ref number:</b>	9240979
<b>Teacher date of birth:</b>	20 November 1968
<b>TRA reference:</b>	18972
<b>Date of determination:</b>	5 October 2022
<b>Former employer:</b>	Yarm School, Yarm

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 3 October 2022 remotely via Microsoft TEAMS, to consider the case of Mr Paul Elliott.

The panel members were Mr Clive Ruddle (lay panellist – in the chair), Mrs Elizabeth Pollitt (teacher panellist) and Mr Alan Wells (former teacher panellist).

The legal adviser to the panel Miss Sarah Price of Blake Morgan solicitors.

The presenting officer for the TRA was Mr Michael O'Donohoe of Browne Jacobson solicitors.

Mr Elliott was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 August 2022.

It was alleged that Mr Elliott was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. When applying for one or more teaching positions at schools in England he:
  - a. Stated that he had achieved up to 12 As at O Levels when this was not the case;
  - b. Stated that he had obtained up to 6 As at A Levels when this was not the case;
  - c. Stated that he was a Visiting Scholar at Cambridge University in 2005/2006 when this was not the case;
  - d. Stated that he had studied Medicine at Oxford University when this was not the case;
  - e. Stated that he attended Oxford University as a Fellow in 1995 when this was not the case;
  - f. Stated that he had played for Oxford University Rugby when this was not the case;
  - g. Stated that he had played in the 1995 Varsity Rugby match when this was not the case;
  - h. Stated that he had played professional rugby for Wigan Warriors when this was not the case;
  - i. Stated that he had been selected to represent "North" against Australia as part of the Australian National Rugby team's UK tour in 1988 when this was not the case;
  - j. Stated that he had worked as Head of Department at Carmel College when in fact he had been employed as a subject teacher;

k. Stated that he was a Lecturer in the Department of Theology and Philosophy and a Tutor in the Department of Political Science and International Relations at Liverpool Hope University when in fact he had been employed as a Resident Tutor;

l. Stated that he had been employed as Director of Rugby at Churcher's College when in fact he had been employed as a rugby coach;

m. Stated that he had been employed as an Assistant Director of Sport at Churcher's College when in fact he had been employed as a PE teacher;

n. Stated that he was employed as a Master in Charge of Oxbridge at Churcher's College when this was not the case;

o. Stated that he was employed at Belvedere School in 2002 when this was not the case;

p. Stated that his reference was from a Deputy Headmaster when in fact they were a Director of Studies.

2. His behaviour as may be found proven at 1 above was dishonest and/or lacked integrity in that he knowingly provided this information as part of his application.

Mr Elliott does not admit the allegations.

## **Preliminary applications**

The panel first considered an application by the presenting officer to proceed in the absence of Mr Elliott. 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 including *GMC v Adeogba* [2016] EWCA Civ 162). The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with the *Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018*. The panel went on to consider whether to proceed in Mr Elliott's absence. Mr Elliott had responded to the Notice, confirming that he will not be attending. The panel determined that it should proceed in the absence of Mr Elliott, for the following reasons:

- Mr Elliott had not sought an adjournment.

- The panel had not been provided with any medical evidence which indicated that Mr Elliott was unfit to attend the hearing due to ill-health.
- The panel was satisfied that given Mr Elliott's response to the Notice, his absence was voluntary, and he had waived his right to attend.
- The risk of reaching the wrong conclusion and the disadvantage to Mr Elliott in not being present were mitigated by the fact that he has provided submissions in respect of the allegations.
- There was no indication that Mr Elliott might attend at a future date and an adjournment would be unlikely to result in his attendance at a later date.
- There is a strong public interest in hearings taking place within a reasonable timeframe.
- The panel was conscious that a witness had made arrangements and was ready to attend the hearing to provide their oral evidence.

The panel considered an application from the TRA to discontinue allegation 1j, namely –

**j. Stated that he had worked as Head of Department at Carmel College when in fact he had been employed as a subject teacher;**

The presenting officer told the panel that there was insufficient evidence regarding this allegation and in effect, there was no case to answer and the allegation should be discontinued. The panel accepted the legal advice. The panel was satisfied that it could discontinue allegation 1j and there was no unfairness or prejudice caused.

The panel also heard an application to admit additional documents. Firstly, there was an application made by the TRA to admit two additional documents. The presenting officer told the panel that the documents were missing pages from two separate exhibits already contained in the bundle. The presenting officer informed the panel that the documents were not new and had already been provided to Mr Elliott during the course of the TRA's investigation and had been sent to him again on 2 October 2022. Secondly, Mr Elliott had made a request for the panel to be provided with four additional documents. The presenting officer confirmed there was no objection to the documents that Mr Elliott had requested being included.

The panel considered these two applications together, although it read and considered the documents individually. The panel heard and accepted legal advice. The panel determined that all of the documents were relevant to the issues it had to determine, and it was in the interests of a fair hearing for them to be admitted. For clarity, the panel accepted both the TRA's application and Mr Elliott's application for additional documents to be considered.

After the panel had concluded its deliberations, but before its decision was handed down, it was made aware that Mr Elliott had sent two additional documents to the presenting officer at or around 18:13 on 4 October 2022. The panel treated that email as an application made by Mr Elliott for the two documents to be admitted. The panel heard and accepted legal advice on the application.

The first document was a Certificate in Religious Education from July 1993. The panel considered that this document was not relevant to the allegations and therefore the panel determined that it should not be admitted.

The second document was a Farmington Fellowship certificate from 1995. The panel considered that the second document was relevant to the allegations. The panel noted that these were unusual circumstances, in that this application had been made after it had deliberated on stages 1 and 2 but had not yet handed down its decision. Although the document was provided at a very late stage in the proceedings, the panel considered that the document should be admitted in the interests of fairness and justice. Mr Elliott was not present nor represented during these proceedings and the panel believed that Mr Elliott sent the document so that it could be considered by the panel. For the sake of completeness, the panel went on to consider whether this additional document altered its findings at stages 1 and 2. It decided that the additional document did not alter its findings.

## **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 9 to 10

Section 2: Notice of Hearing – pages 12 to 25

Section 3: Teaching Regulation Agency witness statements – pages 27 to 83

Section 4: Teaching Regulation Agency documents – pages 85 to 167

Section 5: Teacher documents – pages 170 to 365

In addition, the panel agreed to accept the following:

TRA additional documents:

- CV and Cover Letter from Belvedere – pages 366 to 369
- Winchester College Application – pages 370 to 374

Teacher additional documents:

- Private investigation report (from Mr Elliott) – pages 375 to 409
- Private investigation report (from the School) – pages 410 to 414
- Mr Elliott's notes on private detective report – pages 415 to 424
- Email chain between Mr Elliott and the presenting officer – pages 425 to 448
- Farmington Institute Certificate – page 449

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 from the following witness called on behalf of the TRA:

- [redacted]

## **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 Elliott had been employed at Yarm School ("the School") since 28 August 2018 as Head of Religion and Philosophy. On 15 October 2019, Mr Elliott was dismissed by the School. The concerns were that Mr Elliott had not been truthful in his application for his role at the School. The School had conducted an internal investigation and identified a number of inconsistencies throughout his employment history. The School subsequently instructed an independent investigator who considered that there was a case to answer. A referral was made by the School to the TRA on 16 December 2019.

## **Findings of fact**

The findings of fact are as follows:



The panel heard oral evidence from one witness, [redacted] at Yarm School. The panel considered [redacted] to be a credible witness.

Mr Elliott did not attend the hearing, but the panel carefully considered his written submissions and took these into account when deliberating. The panel also heard and accepted the legal advice provided.

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:**

**c. Stated that you were a Visiting Scholar at Cambridge University in 2005/2006 when this was not the case;**

The panel heard from [redacted] that in his application to the School, Mr Elliott had claimed to have been a Visiting Scholar at Cambridge University from 2005 to 2006. The panel was provided with a copy of the CV Mr Elliott had provided the School and noted the claim that he was a Visiting Scholar at Cambridge University was included in that document.

[redacted] told the panel that she asked her assistant, [redacted] to contact Cambridge to find out if Mr Elliott's claim was accurate. The panel was provided with a telephone note of a conversation between the School and Cambridge University dated 10 June 2019 in which it was recorded that Mr Elliott was not mentioned on the list of Visiting Scholars for the year he had claimed (2005 to 2006), nor was he on the list for the academic years either side (2004 to 2005 and 2006 to 2007). Further, the Cambridge official told [redacted] that it would be unusual for a schoolteacher to be a visiting scholar.

On the balance of probabilities, the panel found that Mr Elliott did state that he was a visiting scholar at Cambridge University, when this was not the case.

**d. Stated that you had studied Medicine at Oxford University when this was not the case;**

The panel heard from [redacted] that in his application to the School, Mr Elliott had claimed that he studied medicine at Oxford University. The panel was provided with a copy of the CV Mr Elliott had provided the School and noted the claim that he studied medicine at the University of Oxford between 1987 to 1989 was included in that document.

In his written submissions, Mr Elliott stated that he had to be [redacted] after arrival to study at Oxford and as a result, he was unable to begin his studies. However, he

returned on many occasions, staying with a friend, and was able to attend lectures as a guest with the help of a lay Chaplain.

[redacted] told the panel that she asked her assistant, [redacted] to verify this information directly with Oxford University. The panel was provided with an email from Oxford University dated 12 June 2019 which confirmed that the University of Oxford does not hold a record of Mr Elliott having studied medicine. The panel was also provided with a series of emails from [redacted] at the University of Oxford. In those emails, [redacted] confirmed that there was no record of Mr Elliott having enrolled on a degree level course at the University. [redacted] further confirmed that that the University would still hold a record of individuals who enrolled on a course but failed to complete it.

On the balance of probabilities, the panel found that Mr Elliott did state that he had studied medicine at Oxford University when this was not the case.

**e. Stated that you attended Oxford University as a Fellow in 1995 when this was not the case;**

[redacted] told the panel that Mr Elliott had also claimed to have been appointed a Farmington Fellow in the Faculty of Theology and Religion at Oxford University in 1995.

It was not disputed that Mr Elliott was a Farmington Fellow, but [redacted] stated that this was not an academic position conferred by the University of Oxford.

The panel was provided with a copy of Mr Elliott's CV which included reference to his appointment as a Farmington Fellow in 1995 by Harris-Manchester College, at the University of Oxford. The panel was also provided with a copy of an email from [redacted], dated 14 August 2020. In that email, [redacted] stated that Mr Elliott was awarded a Farmington Fellowship, but at the time, it was generally held for just one term. He further confirmed that the Fellowship was awarded by the Farmington Institute and not by Harris Manchester College or the University of Oxford.

On the balance of probabilities, the panel found that Mr Elliott did state that he attended Oxford University as a Fellow in 1995 when this was not the case.

**f. Stated that you had played for Oxford University Rugby when this was not the case;**

[redacted] told the panel that Mr Elliott claimed to have played for Oxford University. [redacted] stated that according to their website, the eligibility criteria includes being a member of the University and it follows that as Mr Elliott had not been a member, he could not have played for the club.

The panel noted that Mr Elliott has not provided any supporting evidence in relation to his claim of having played rugby for Oxford University. For example, witness statements from fellow players to confirm they played with him.

The panel was provided with an extract from Oxford University's website which confirmed individuals must be admitted on a university course and have matriculated as a member of an Oxford college. On Mr Elliott's own evidence, he had never matriculated.

On the balance of probabilities, the panel found that Mr Elliott did state that he had played for Oxford University when this was not the case.

**g. Stated that you had played in the 1995 Varsity Rugby match when this was not the case;**

[redacted] told the panel that Mr Elliott also claimed to have played in the 1995 Oxford v Cambridge Varsity match at Twickenham.

In his written submissions, Mr Elliott stated that he had been selected to play in the game, but at the "absolute eleventh hour" he was prevented from doing so.

The panel was provided with a programme for the 1995 Varsity match and noted that Mr Elliott's name was not included in that programme. The panel accepted the TRA's submission that it was likely that the programme would have been printed for circulation in advance of the match, and if Mr Elliott had only been prevented from playing at the last moment, it would still expect to see his name contained in the programme.

The panel also considered that it had found that Mr Elliott had not played rugby for Oxford University. It therefore follows that Mr Elliott did not play in the 1995 Oxford v Cambridge Varsity match.

On the balance of probabilities, the panel found that Mr Elliott did state that he had played in the 1995 Varsity Rugby match when this was not the case.

**h. Stated that you had played professional rugby for Wigan Warriors when this was not the case;**

In her evidence, [redacted] stated that the first matter the School investigated was Mr Elliott's claim to have played as a professional rugby player for Wigan Warriors Rugby Club between 1997 and 1999. [redacted] asked her assistant, [redacted] to contact the club to verify the information. [redacted] told the panel that [redacted] spoke to the archivist for Wigan Warriors who confirmed that there was no record of Mr Elliott having played for Wigan Warriors professionally.

In his written submissions, Mr Elliott stated that the so-called archivist was "merely a local 'super-fan'". The panel was provided with a copy of the email from the archivist. The panel noted that the individual had confirmed that they had all of the relevant records.

[redacted] told the panel in her oral evidence, that the archivist was around the same age as Mr Elliott and was a former player at the club, and he had no recollection of Mr Elliott.

On the balance of probabilities, the panel found that Mr Elliott did state that he had played professional rugby for Wigan Warriors when this was not the case.

**i. Stated that you had been selected to represent "North" against Australia as part of the Australian National Rugby team's UK tour in 1988 when this was not the case;**

Mr Elliott's submission on this allegation was that he was asked to assume an absent players identity, to which he agreed, although he never actually played.

The panel was provided with a copy of the match programme and noted that Mr Elliott's name did not appear on this. The panel was also provided with an email from [redacted] who confirmed that he had no recollection of Mr Elliott. The panel considered that [redacted] would have remembered Mr Elliott if they had trained together for the match in question.

On the balance of probabilities, the panel found that Mr Elliott did state that he had been selected to represent "North" against Australia as part of the Australian National Rugby team's UK tour in 1988 when this was not the case.

**k. Stated that you were a Lecturer in the Department of Theology and Philosophy and a Tutor in the Department of Political Science and International Relations at Liverpool Hope University when in fact you had been employed as a Resident Tutor;**

[redacted] evidence was that Mr Elliott claimed to have worked at Liverpool Hope University between 1996 and 1997 and that he had been a lecturer in the Department of Theology and Philosophy and a tutor of Political Science and International Relations. The School was unable to verify the information with Liverpool Hope University as they did not have records going back that far. In Mr Elliott's covering letter to his application to Stockport Grammar School, a copy of which was provided to the panel, it was noted that Mr Elliott claimed to be Sub-Dean and Tutor-Assistant within the Professional Studies Department.

In his written submissions, Mr Elliott stated that he was able to accept an invitation to become a resident pastoral tutor at Liverpool Hope University College, but that he was subsequently invited to contribute to the teaching in several academic departments on an ad hoc basis.

The panel noted that Mr Elliott, on his own account, did not hold a substantive position at Liverpool Hope University. The panel considered that contributing to the teaching on an

ad hoc basis was not the same as being a lecturer, which he had claimed on his application.

On the balance of probabilities, the panel found that Mr Elliott did state that he was a lecturer in the Department of Theology and Philosophy and a Tutor in the Department of Political Science and International Relations at Liverpool Hope University when in fact he had been employed as a Resident Tutor.

**I. Stated that you had been employed as Director of Rugby at Churcher's College when in fact you had been employed as a rugby coach;**

[redacted] evidence was that Mr Elliott had claimed to have been employed at Churcher's College in the role of Director of Rugby.

In his written submissions, Mr Elliott claimed that Churcher's College records were incomplete.

The panel was provided with a copy of Mr Elliott's CV which lists various roles at Churcher's College between 2002 to 2005. One of those roles was Director of Rugby. The panel was also provided with a copy of an email chain between the School and Churcher's College, within which it is confirmed that Mr Elliott was not employed as Director of Rugby.

On the balance of probabilities, the panel found that Mr Elliott did state that he had been employed as Director of Rugby at Churcher's College when in fact he had been employed as a rugby coach.

**m. Stated that you had been employed as an Assistant Director of Sport at Churcher's College when in fact you had been employed as a PE teacher;**

[redacted] evidence was that Mr Elliott had claimed to have been employed at Churcher's College in the role of Assistant Director of Sport.

In his written submissions, Mr Elliott claimed that Churcher's College records were incomplete.

The panel was provided with a copy of Mr Elliott's CV which lists various roles at Churcher's College between 2002 to 2005. One of those roles was Assistant Director of Sport. The panel was also provided with a copy of an email chain between the School and Churcher's College, within which it is confirmed that Mr Elliott was not employed as Assistant Director of Sport but was employed as a PE teacher.

On the balance of probabilities, the panel found that Mr Elliott did state that he had been employed as Assistant Director of Sport at Churcher's College when in fact he had been employed as a PE teacher.

**n. Stated that you were employed as a Master in Charge of Oxbridge at Churcher's College when this was not the case;**

[redacted] evidence was that Mr Elliott had claimed to have been employed at Churcher's College in the role of Master in Charge of Oxbridge.

In his written submissions, Mr Elliott claimed that Churcher's College records were incomplete.

The panel was provided with a copy of Mr Elliott's CV which lists various roles at Churcher's College between 2002 to 2005. One of those roles was Master in Charge of Oxbridge. The panel was also provided with a copy of an email chain between the School and Churcher's College, within which it is confirmed that Mr Elliott was not employed as Master in Charge of Oxbridge.

On the balance of probabilities, the panel found that Mr Elliott did state that he had been employed as a Master in Charge of Oxbridge at Churcher's College when he had not.

**o. Stated that you were employed at Belvedere School in 2002 when this was not the case;**

[redacted] told the panel that Mr Elliott claimed to have worked at Belvedere School in 2002.

The panel was provided with a copy of correspondence between Mr Elliott and the Belvedere School, which confirmed that Mr Elliott offered his resignation on 18 June 2001. This was accepted by the School on the same date. The leaving notification record showed that Mr Elliott's last working day was 20 December 2001. The panel noted that on his CV submitted to the School, Mr Elliott stated that he had worked there in 2002.

On the balance of probabilities, the panel found that Mr Elliott did state that he had been employed at Belvedere School in 2002 when this was not the case.

**p. Stated that your reference was from a Deputy Headmaster when in fact they were a Director of Studies.**

In his written submissions, Mr Elliott conceded that a mistake had been made, but that this was an honest mistake and that the titles were interchangeable.

In her evidence, [redacted] stated that in her experience in HMC Schools, these were two distinct titles, with Director of Studies being third in the chain of command and Deputy Headmaster second to the Headmaster.

The panel considered that Mr Elliott was an experienced teacher and had worked in a number of schools, so would have known this.

On the balance of probabilities, the panel found that Mr Elliott did state that his reference was from a Deputy Headmaster when it was from a Director of Studies.

**2. Your behaviour as may be found proven at 1 above was dishonest and/or lacked integrity in that you knowingly provided this information as part of his application.**

Having found particulars of allegation 1c to 1p (excluding the discontinued allegation 1j) proved, the panel considered whether the behaviours in those proven allegations were dishonest or lacked integrity. The panel carefully considered each of the sub particulars above and found that Mr Elliott had acted dishonestly and lacked integrity in relation to each of the behaviours as found proved.

The panel considered that on each occasion Mr Elliott knew that he was providing inaccurate information and that he did so in order to enhance his qualifications and experience.

Allegation 2 was found proved.

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

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:**

**1. When applying for one or more teaching positions at schools in England you:**

- a. Stated that you had achieved up to 12 As at O Levels when this was not the case;**
- b. Stated that you had obtained up to 6 As at A Levels when this was not the case;**

The panel heard evidence from [redacted] that the School had identified that Mr Elliott had provided different information regarding the number of A-levels and O-levels to different employers. The panel considered Mr Elliott's written submissions in relation to this allegation, which was that he had previously understated his qualifications, rather than overstated them.

The panel was not provided with the relevant certificates, so was unable to establish what qualifications Mr Elliott had. The panel noted that although Mr Elliott had included different information on various applications, he had always claimed to have up to 12 As at O Levels and 6 As at A levels.

On the balance of probabilities, the panel considered there was insufficient evidence to find these allegations proved.

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

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

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

The panel was satisfied that the conduct of Mr Elliott in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Elliott was in breach of the following standard:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour

The panel was satisfied that the conduct of Mr Elliott amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel accepted the TRA's submission that Mr Elliott had demonstrated a pattern of dishonesty in his entire career. The panel felt that Mr Elliott had undermined trust in the profession by lying on his employment applications.

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

The panel found Mr Elliott had been dishonest in his conduct and considered this was a serious offence. Accordingly, the panel was satisfied that Mr Elliott was guilty of unacceptable professional conduct.

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

Having found the facts of particulars 1c to 1p (excluding discontinued allegation 1j) and 2 proved, the panel further found that Mr Elliott's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel’s recommendation to the Secretary of State**

Given the panel’s findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute, 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 striking the right balance between the rights of the teacher and the public interest.

The panel's findings against Mr Elliott involved serious dishonesty. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Elliott 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 Elliott was outside that which could reasonably be tolerated.

The panel carefully considered whether there was a strong public interest consideration in retaining the teacher in the profession but felt this was not appropriate given the findings.

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 Elliott.

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 Elliott. 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;
- dishonesty and lack integrity.

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

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was evidence that Mr Elliott's actions were deliberate. There was no evidence to suggest that Mr Elliott was acting under duress.

The panel was told that Mr Elliott did not have any formal fitness to practise history. Whilst the panel noted that there were no concerns regarding Mr Elliott's abilities as a teacher, there was no evidence that indicated he had made an exceptional contribution to the teaching profession.

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 Elliott 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 Elliott. The finding that Mr Elliott had acted dishonestly 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 includes fraud or serious dishonesty. The panel found that Mr Elliott had been dishonest over a prolonged period of time during his career.

The panel found that Mr Elliott had not demonstrated any insight or remorse as a result of his actions. The panel noted that Mr Elliott did not appear to have an understanding of his conduct, and this was a particular concern given the lengthy period of time covered by these allegations. The panel was particularly concerned that Mr Elliott's lack of insight and lack of remorse indicated that there was a high risk of repetition of dishonest conduct.

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

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour

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

The findings of misconduct are particularly serious as they include a finding of serious dishonesty and lying on employment applications.

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 Elliott, and the impact that will have on the teacher, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel found that Mr Elliott had not demonstrated any insight or remorse as a result of his actions. The panel noted that Mr Elliott did not appear to have an understanding of his conduct, and this was a particular concern given the lengthy period of time covered by these allegations. The panel was particularly concerned that Mr Elliott's lack of insight and lack of remorse indicated that there was a high risk of repetition of dishonest conduct." 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 panel's findings against Mr Elliott involved serious dishonesty. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Elliott were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of dishonesty 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 Elliott and the panel comment "The panel was told that Mr Elliott did not have any formal fitness to practise history. Whilst the panel noted that there were no concerns regarding Mr Elliott's abilities as a teacher, there was no evidence that indicated he had made an exceptional contribution to the teaching profession."

A prohibition order would prevent Mr Elliott 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 conduct that may bring the profession into disrepute, "The panel was satisfied that the conduct of Mr Elliott amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel accepted the TRA's submission that Mr Elliott had demonstrated a pattern of dishonesty in his entire career.

The panel felt that Mr Elliott had undermined trust in the profession by lying on his employment applications.”

I have also placed considerable weight on the finding of the panel “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.”

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

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

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

I have considered the panel’s comments “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.”

The Advice indicates the proven behaviours that would militate against allowing a review period, including serious dishonesty. Mr Elliott had been dishonest over a prolonged period of time during his career.

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious dishonesty found and the lack of either 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 Paul Elliott 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 Elliott 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 Paul Elliott 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 'SABuxcey', with a horizontal line extending from the start of the signature.

**Decision maker: Sarah Buxcey**

**Date: 11 October 2022**

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