



Teaching
Regulation
Agency

Mr Stephen Elliott: Professional conduct panel meeting outcome

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

January 2022

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

Teacher:	Mr Stephen Elliott
Teacher ref number:	9707972
Teacher date of birth:	14 June 1967
TRA reference:	19627
Date of determination:	14 January 2022
Former employer:	Kings James 1 Academy, County Durham (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 January 2022 by video conference, to consider the case of Mr Stephen Elliott.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Miss Hilary Jones (lay panellist) and Mr Alan Wells (former teacher panellist).

The legal adviser to the panel Ms Sarah Valentine of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Stephen Elliott that the allegations be considered without a hearing. Mr Stephen Elliott provided a signed statement of agreed facts and admitted conviction of relevant offences. The panel considered the case at a meeting without the attendance of the presenting officer Mr Jacob Rickett or Mr Stephen Elliott.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 29 November 2021.

It was alleged that Mr Stephen Elliott of having been convicted of relevant offences, in that:

- Offence 1: Failing to surrender to custody at the appointed time on 17/08/20 Bail Act 1976 s.6 (1). Disposal Imprisonment 14 days. Date/ Court: Durham Crown Court.
- Offence 2: Sexual Act with a male 13/17 offender does not believe victim 18+ Abuse of position of trust – institution on 01/11/11- 13/03/12. Sexual Offences Act 2003 s.16(1)(a). Disposal Imprisonment 13 months concurrent. Date/Court: 09/10/20 Durham Crown Court.
- Offence 3: Sexual Act with a male 13/17 offender does not believe victim 18+ Abuse of position of trust – institution on 01/11/11- 13/03/12. Sexual Offences Act 2003 s.16(1)(a). Disposal Imprisonment 13 months sex offenders notice 10 years sexual harm prevention order 10 years. Date/Court: 09/10/20 Durham Crown Court.

The teacher admits the offences and that they amount to convictions of relevant offences.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 3 to 4

Section 2: Notice of referral, response to notice of referral and notice of meeting – pages 5 to 15

Section 3: Statement of agreed facts and presenting officer representations – pages 16 to 22

Section 4: Teaching Regulation Agency documents – pages 23 to 76

Section 5: Teacher documents – none provided

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting. No additional documents were submitted.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Stephen Elliot on 27 October 2021.

Decision and reasons

In advance of the meeting, the TRA agreed to a request from Mr Elliott for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case. The panel noted that it was in the public interest to expeditiously dispose of this case in light of the admissions made and by virtue that there were no disputed facts which required consideration at a hearing.

Mr Elliott was the Director of Learning of Drama at the School. He held that position since 1 September 2011 (having worked at the School in different roles since 1 September 1996). Mr Elliott had been suspended by the School as soon as the matters giving rise to this case were brought to the School's attention on 10 July 2017. Mr Elliott resigned on 3 November 2017.

This matter arose following reports of alleged historic abuse by Mr Elliott relating to a 17 year old male. The matter was investigated by the police and Mr Elliott subsequently prosecuted.

Mr Elliott initially denied the allegations but did admit to hugging and kissing with a male aged 17 and claimed that this was consensual. Mr Elliott admitted the male attended his house and took part in drinking games, including naked card games with Mr Elliott, staying over at Mr Elliott's house, and sharing a bed.

Mr Elliott was convicted and sentenced, in relation to one bail act offence, in August 2020 to 14 days imprisonment following a failure to attend Crown Court. Mr Elliott was convicted and sentenced for 2 counts of abuse of position of trust and for sexual acts with a child between 13 and 17 years old. Mr Elliott was sentenced in relation to the position of trust offences at Durham Crown Court on 7 October 2020 to two 13 months sentences of imprisonment to run concurrently.

Additionally, the Court imposed a sexual harm order and entry onto the sexual offenders register both for a period of 10 years.

Findings of fact

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

Offence 1: Failing to surrender to custody at the appointed time on 17/08/20 Bail Act 1976 s.6 (1). Disposal Imprisonment 14 days. Date/ Court: Durham Crown Court.

Offence 2: Sexual Act with a male 13/17 offender does not believe victim 18+ Abuse of position of trust – institution on 01/11/11- 13/03/12. Sexual Offences Act 2003 s.16(1)(a). Disposal Imprisonment 13 months concurrent. Date/Court: 09/10/20 Durham Crown Court.

Offence 3: Sexual Act with a male 13/17 offender does not believe victim 18+ Abuse of position of trust – institution on 01/11/11- 13/03/12. Sexual Offences Act 2003 s.16(1)(a). Disposal Imprisonment 13 months sex offenders notice 10 years sexual harm prevention order 10 years. Date/Court: 09/10/20 Durham Crown Court.

The panel noted Mr Elliott's guilty plea and the convictions he received from Durham Crown Court.

The panel considered the certified copy of the memorandum of entry entered into the register of the Durham Crown Court which identified the 3 convictions. This was further supported by the printout from the PNC database, which set out the 3 convictions. The panel also reviewed the sentencing remarks of His Honour [redacted] dated 9 October 2020 and the sentence imposed by Durham Crown Court which was towards the maximum level for the offences committed.

The panel further noted that the allegations were admitted by Mr Elliott within the statement of agreed facts dated 27 October 2021.

The panel therefore found the allegations proven.

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

Having found all of the allegations proved, the panel went onto to consider whether the facts of the proved allegations amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute and whether the facts of the proved allegations amounted to conviction of relevant offences.

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 with reference to Part 2, Mr Elliott 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 the 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 proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Elliott’s actions were relevant to teaching, working with children, and working in an education setting. The offences involved a pupil under Mr Elliott’s care and involved conduct of a sexual nature over a significant period of time. The panel determined that Mr Elliott was aware of the age of the pupil as he had known him since he was 8 years old and a pupil at his school.

The panel noted that the behaviour involved in committing the offence would have a significant impact on the safety of pupils. As an experienced teacher the panel noted that it would be a reasonable expectation for Mr Elliott to have been aware of his statutory safeguarding requirements.

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

The panel noted that Mr Elliott’s behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed. The panel noted that Mr Elliott had admitted in the statement of agreed facts that 2 of the offences involved sexual acts, which were contrary to the standards of personal and professional conduct expected of a teacher and would undoubtedly affect public confidence in the teaching profession if the teacher was allowed to continue teaching.

The panel determined that this was undoubtedly a case where Mr Elliott's actions constituted unacceptable professional conduct and conduct that may bring the profession into disrepute. Further, the panel deemed that such conduct was at the more serious end of the spectrum. The panel concluded that a finding of these convictions was for relevant offences, and it was necessary therefore to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

This was a case involving an offence of sexual activity which the Advice states is likely to be considered a relevant offence. The panel also considered His Honour [redacted] sentencing remarks and noted alcohol was also involved and that the Court determined that Mr Elliott "would ply him with drink... would be suggestive and would have to help him up the stairs and put him to bed. All a very cunning plan so that later on you could sexually abuse him."

The panel considered that these convictions were for offences that are relevant to Mr Elliott's ongoing suitability to teach. Additionally, Mr Elliott was made subject to a Sexual Harm Prevention Order and was registered on the sex offenders register both for a period of 10 years. These orders will be subject to review in October 2030.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Elliott, which involved conviction of 2 offences of sexual activity with a boy aged 17 years old whilst in a position of trust, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children. The panel considered His Honour [redacted] sentencing remarks where he found that "as part of the drama at your school, you invited not only the victim but other participants of that group back to your home address, that was to play cards. That involved drinking that involved games of a

sexual nature: asking people to get naked as a forfeit. All while you were in a position of trust.”

Similarly, the panel considered that public confidence in the profession would be seriously weakened if conduct such as that found against Mr Elliott was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that there was strong public interest consideration in this case. The panel noted the serious nature of the offences committed by Mr Elliott. In His Honour [redacted] remarks, he stated that “culpability was high: there was a significant degree of planning; you knew the victim from being the age of 8, you befriended him, he trusted you; you were his drama teacher; you used alcohol upon victims to facilitate the offence and undoubtedly grooming behaviour towards him, telling him about your loyalty to each other.” The panel found that the teacher’s actions were deliberate and that he was not acting under duress.

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

- serious departure from the personal and professional conduct elements of the Teachers’ Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual’s professional position.

Even though some of the behaviours 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.

The panel did not receive any evidence of mitigating circumstances from the teacher. The panel did not receive any testimonials as to Mr Elliott's character prior to 2011 or following his conviction. The panel was not presented with any evidence or references from colleagues as to Mr Elliott's previous good character or as whether Mr Elliott was an effective teacher.

The panel noted that this pattern of behaviour was evident in the criminal proceedings where Mr Elliott did not plead guilty to the offences at the first opportunity. In fact, Mr Elliott did not enter a guilty plea to the offences until the last possible opportunity, 3 years after he was arrested. His Honour [redacted] in his sentencing remarks stated, "it really was the very last moment in time that your guilty plea was entered, and I hope that brings some closure to the victim and his family that you have finally admitted the wrongdoings of your past." The panel noted the significant impact Mr Elliott's actions have had on the victim. His Honour [redacted] stated, "a number of years this has been hanging over him whilst he has no doubt contemplated what you did to him." The panel noted the Crown Court's findings from reviewing the victim personal impact statement and noted the consequences that Mr Elliott's actions had for him. His Honour [redacted] stated that "he is a young individual trying to wipe out 8 years of his life so that he can get on with his future."

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. The panel noted that the Crown Court found Mr Elliott's offences involved high culpability and harm.

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 serious nature of the offences was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the

potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel noted that Mr Elliott's behaviours were sexual and are behaviours which indicate that the imposition of no review period would be appropriate.

The panel did not receive any evidence that Mr Elliott had shown any remorse or insight into his actions. Indeed, the panel noted that in His Honour [redacted] sentencing remarks he "did not accept that there was any genuine or real remorse, or any real appreciation of the seriousness of your offending." In the absence of any evidence provided by the teacher to the contrary the panel found that Mr Elliott did not show any remorse.

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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Stephen 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, within and outside the 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 proper and professional regard for the ethos, policies and practices of the school in which they teach...

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a conviction of 2 offences of sexual activity with a boy aged 17 years old whilst in a position of trust.

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 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, “there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children”. 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, “The panel did not receive any evidence that Mr Elliott had shown any remorse or insight into his actions. Indeed, the panel noted that in His Honour [redacted] sentencing remarks he “did not accept that there was any genuine or real remorse, or any real appreciation of the seriousness of your offending.” In the absence of any evidence provided by the teacher to the contrary the panel found that Mr Elliott did not show any remorse.” In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour, and this puts at risk future pupils’ wellbeing. 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 Elliott’s behaviour in committing the offences would affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.”

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 himself and the panel comment “The panel did not receive any testimonials as to Mr Elliott’s character prior to 2011 or following his conviction. The panel was not presented with any evidence or references from colleagues as to Mr Elliott’s previous good character or as to whether Mr Elliott was an effective teacher.”

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 seriousness of the offences committed by Mr Elliott and the protection of pupils and the panel made reference to the sentencing remarks “culpability was high: there was a significant degree of planning; you knew the victim from being the age of 8, you befriended him, he trusted you; you were his drama teacher; you used alcohol upon victims to facilitate the offence and undoubtedly grooming behaviour towards him, telling him about your loyalty to each other.” The panel found that the teacher’s actions were deliberate and that he was not acting under duress.

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 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 Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel noted that Mr Elliott’s behaviours were sexual

and are behaviours which indicate that the imposition of no review period would be appropriate.”

I have considered whether not allowing for a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. 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 seriousness of the allegations found proven and the lack of insight and 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 Stephen 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 Stephen Elliott 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.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 17 January 2022

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