



Teaching
Regulation
Agency

Mr Stephane Lecurieux-Clerville: Professional conduct panel meeting outcome

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

October 2021

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	6
Documents	6
Statement of agreed facts	6
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	16
Decision and reasons on behalf of the Secretary of State	19

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

Teacher: Mr Stephane Lecurieux-Clerville
Teacher ref number: 0153704
Teacher date of birth: 7 January 1980
TRA reference: 18748
Date of determination: 22 October 2021
Former employer: John Wallis Church of England Academy, Ashford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 22 October 2021, to consider the case of Mr Stephane Lecurieux-Clerville.

The panel members were Mr John Martin (teacher panellist – in the chair), Mr Clive Ruddle (lay panellist) and Mrs Maxine Cole (lay panellist).

The legal adviser to the panel was Miss Claire Watson 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 Stephane Lecurieux-Clerville that the allegations be considered without a hearing. Mr Lecurieux-Clerville provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Matilda Heselton of Browne Jacobson LLP, Mr Lecurieux-Clerville or his representative Mr Simon Pettet.

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 12 October 2021.

It was alleged that Mr Stephane Lecurieux-Clerville was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. He failed to maintain appropriate professional boundaries and/or developed an inappropriate relationship with Pupil A between September 2017 and June 2018, including by;

- a. providing Pupil A with his bank card and/or pin number;
- b. communicating with Pupil A by text message and/or telephone and/or Instagram;
- c. in or around March 2018, paying for Pupil A to go to the [redacted] prom;
- d. in or around April 2018, creating an Instagram account for him and Pupil A;
- e. organising to meet and/or meeting Pupil A;
- f. in or around June 2018, hugging Pupil A;
- g. in or around June 2018, placing his hands underneath Pupil A's top and/or touching bra strap;
- h. in or around June 2018, exchanging letters with Pupil A;
- i. in or around June 2018, giving Pupil A earrings as a gift;
- j. in or around June 2018, posting a photograph of him and Pupil A on the internet;

2. He engaged in an inappropriate relationship with Pupil A after she had left the school between July 2018 and May 2019, including by;

- a. communicating with Pupil A by text message and/or telephone and/or Instagram;
- b. organising to meet and/or meeting Pupil A;
- c. between July and November 2018, placing his hands underneath Pupil A's top and/or touching Pupil A's bra and/or bottom;
- d. in or around July 2018, pushing Pupil A's legs apart and/or unbuttoning Pupil A's trousers;

- e. in or around July 2018, stating to Pupil A “are we even at prom if I can’t buy my girl her favourite shot” or using words to that effect;
- f. kissing Pupil A on one or more occasions;
- g. in or around August 2018, suggesting to Pupil A that he book a hotel room together;
- h. sending one or more photographs to Pupil A of him naked and/or wearing only underwear;
- i. asking Pupil A for photographs of her breasts and/or bottom;
- j. requesting and/or receiving one or more photographs of Pupil A naked and/or wearing only underwear;
- k. in or around September 2018, giving Pupil A one or more gifts;
- l. engaging in sexual activity with Pupil A;

3. His behaviour as may be found proven at 1 and/or 2 above was conduct of a sexual nature and/or was sexually motivated.

Mr Lecurieux-Clerville admitted the facts of the allegations and that they amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

The panel accepted that before making an amendment, it is required to consider any representations by the presenting officer and by the teacher. The panel considered the case at a meeting, without the presence of the presenting officer or the teacher. The panel recognised that it may, at any stage of the meeting, consider whether it would be in the interests of justice and/or in the public interest to adjourn the meeting.

The panel noted at the outset of the meeting that allegation 1d, as drafted in the notice of meeting, stated that ‘in or around April 2019’, Mr Lecurieux-Clerville had created an Instagram account for him and Pupil A. The panel considered whether this allegation should be amended to ‘in or around April 2018’.

Although the panel had decided to progress with a meeting and recognised it was required to consider representations by the presenting officer and by the teacher before

amending an allegation, the panel did not consider it necessary or in the interests of justice to adjourn the meeting for additional representations before making its decision.

The panel noted that the stem of allegation 1 stated that Mr Lecurieux-Clerville had failed to maintain appropriate professional boundaries and/or developed an inappropriate relationship with Pupil A between September 2017 and June 2018. The panel also noted that while allegation 1d as drafted in the statement of agreed facts stated April 2019, the content of the statement of agreed facts states that Mr Lecurieux-Clerville admits that he created a personal Instagram account for him and Pupil A in or around April 2018.

The panel considered that the amendment proposed was a correction of a typographical error and did not change the nature of the allegations. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, as the teacher accepted that he had created an Instagram account for him and Pupil A in or around April 2018. Therefore, no unfairness or prejudice was caused to the teacher. The panel therefore decided to amend the allegation as proposed.

Summary of evidence

Documents

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

Section 1: Chronology and Anonymised pupil list – pages 1 to 3

Section 2: Notice of referral, response and notice of meeting – pages 4 to 12

Section 3: Statement of agreed facts and presenting officer representations – pages 13 to 25

Section 4: Teaching Regulation Agency witness statements – pages 26 to 76

Section 5: Teaching Regulation Agency documents – pages 77 to 236

Section 6: Teacher documents – pages 237 to 240

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Stephane Lecurieux-Clerville on 22 February 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Lecurieux-Clerville 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.

Mr Lecurieux-Clerville had been employed as the Leader of the Sixth Form at the John Wallis Church of England Academy ("the School") from 1 September 2010 until 11 September 2019. On 11 June 2019, Pupil A disclosed to another member of staff, outside of the education setting, that they and Mr Lecurieux-Clerville had been in a sexual relationship after Pupil A had left the School. The member of staff asked Pupil A to attend the School the next day to speak with the headteacher of the School and reported the disclosure to the designated safeguarding lead. The School carried out a disciplinary investigation and Mr Lecurieux-Clerville was dismissed.

Findings of fact

The findings of fact are as follows:

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

1. You failed to maintain appropriate professional boundaries and/or developed an inappropriate relationship with Pupil A between September 2017 and June 2018, including by;

a. providing Pupil A with your bank card and/or pin number;

This allegation was admitted.

In Pupil A's witness statement, it is stated that in September 2017, the School was holding a charity coffee morning and did not have many cakes, so Pupil A had suggested that she go to a shop to buy some more. Mr Lecurieux-Clerville allowed Pupil A to leave and asked Pupil A to withdraw money from his bank account at the same time, giving her his bank card and pin number to do so.

The allegation was therefore, found proved.

b. Communicating with Pupil A by text message and/or telephone and/or Instagram;

This allegation was admitted.

The panel had sight of notes of a meeting, taken during the School's disciplinary hearing process, with the staff member whom Pupil A had disclosed the relationship with Mr Lecurieux-Clerville. This staff member confirmed that Pupil A had said that she had exchanged texts with Mr Lecurieux-Clerville whilst she was a student.

The panel also had sight of meeting notes from an interview with Mr Lecurieux-Clerville, taken during the School's disciplinary hearing process. In those notes, Mr Lecurieux-Clerville is reported to have stated that in January 2018, he had sent Pupil A a text message on her personal mobile from a contact number he had retrieved from school documentation, [redacted].

In this meeting, Mr Lecurieux-Clerville further reported that he had been having 'regular text message conversations of a platonic nature'. In her witness statement, Pupil A stated that her and Mr Lecurieux-Clerville spoke every day including at weekends on their personal mobiles.

The allegation was therefore, found proved.

c. in or around March 2018, paying for Pupil A to go to the [redacted] prom;

This allegation was admitted.

In the signed statement of agreed facts, Mr Lecurieux-Clerville accepted he had paid 43 pounds for Pupil A to attend the [redacted] prom and did not reclaim these funds from Pupil A. Furthermore, in Pupil A's witness statement, it is stated that she and Mr Lecurieux-Clerville had spoken about her attendance at the prom and whether she had paid her deposit. She later received a text from Mr Lecurieux-Clerville displaying a school receipt of a payment of 43 pounds, which had been paid on [redacted]. Mr Lecurieux-Clerville had 'insisted' that it was not necessary to repay him.

The allegation was therefore, found proved.

d. in or around April 2018, creating an Instagram account for you and Pupil A;

This allegation was admitted.

In Pupil A's witness statement, it was stated that Mr Lecurieux-Clerville had gone abroad on holiday in April 2018 and created an Instagram account that served as a means of communication between Pupil A and Mr Lecurieux-Clerville while he was on holiday.

The allegation was therefore, found proved.

e. organising to meet and/or meeting Pupil A;

This allegation was admitted in the signed statement of agreed facts, dated 22 February 2021.

However, in a statement in response to the allegations, Mr Lecurieux-Clerville stated that this incident did not happen. The panel decided to place less weight on this statement, as it was dated prior to the statement of agreed facts.

The panel considered the evidence of Pupil A. The panel noted that the first meeting between Pupil A and Mr Lecurieux-Clerville outside of the education setting was on 22 June 2018 at a pub. The panel also noted references in Pupil A's witness statement to requests from Mr Lecurieux-Clerville for Pupil A to meet him in school. The panel considered that these requests did not relate to school matters or Pupil A's education.

The allegation was therefore, found proved.

f. in or around June 2018, hugging Pupil A;

This allegation was admitted.

In Pupil A's witness statement, it is stated that in June 2018, she had gone back to a school office to collect something and met Mr Lecurieux-Clerville. He had asked her to follow him, then in another office, rested himself against the desk and pulled Pupil A towards him in a hug.

The allegation was therefore, found proved.

g. in or around June 2018, placing your hands underneath Pupil A's top and/or touching bra strap;

This allegation was admitted.

Pupil A's witness statement further states that, when hugging her, 'his hands wandered underneath my t-shirt touching my bra strap and caressing my back'.

The allegation was therefore, found proved.

h. in or around June 2018, exchanging letters with Pupil A;

This allegation was admitted.

Pupil A stated in her witness statement that, with her leaving the School, it was agreed between her and Mr Lecurieux-Clerville that they would exchange a letter to 'allow us to remember the friendship we had struck up'. Pupil A described the contents of her letter to Mr Lecurieux-Clerville and his letter to Pupil A.

This allegation was therefore, found proved.

i. in or around June 2018, giving Pupil A earrings as a gift;

This allegation was admitted.

The panel had sight of a photograph of a pair of earrings, which Pupil A stated in her witness statement that Mr Lecurieux-Clerville had given her in a pub in June 2018 when the pair exchanged letters.

This allegation was therefore, found proved.

j. in or around June 2018, posting a photograph of you and Pupil A on the internet;

This allegation was admitted.

Exhibited to Pupil A's statement was a photograph of her and Mr Lecurieux-Clerville, in relation to which she stated that Mr Lecurieux-Clerville had sent her a digital link in June 2018.

The allegation was therefore, found proved.

2. You engaged in an inappropriate relationship with Pupil A after she had left the school between July 2018 and May 2019, including by;

a. communicating with Pupil A by text message and/or telephone and/or Instagram;

This allegation was admitted.

The panel had sight of meeting notes from an interview with Mr Lecurieux-Clerville, taken during the School's disciplinary hearing process. In those notes, Mr Lecurieux-Clerville is reported to have stated that he and Pupil A remained in contact when she [redacted] by daily text messages. This is supported by Pupil A's account of events. The panel also noted reference in the bundle to Mr Lecurieux-Clerville's telephone bill, in which Pupil A's personal mobile number had reportedly repeatedly appeared.

The allegation was therefore, found proved.

b. organising to meet and/or meeting Pupil A;

This allegation was admitted.

The panel had sight of meeting notes from an interview with Mr Lecurieux-Clerville, taken during the School's disciplinary hearing process. In those notes, Mr Lecurieux-Clerville is reported to have stated that he left the [redacted] prom, at the beginning of July 2018, temporarily to meet Pupil A in a car park. He also reported that he had met Pupil A during the summer holidays on a number of occasions, as well as during Pupil A's first term at university. He also stated that he met with Pupil A around Christmas in 2018 and in April 2019.

Pupil A outlined in her witness statement a number of occasions in which she and Mr Lecurieux-Clerville had met up outside of the education setting, during the summer 2018 and after she had gone to university.

This allegation was therefore, found proved.

c. between July and November 2018, placing your hands underneath Pupil A's top and/or touching Pupil A's bra and/or bottom;

This allegation was admitted.

In her witness statement, Pupil A outlined an incident at a relatives' house in early July 2018, when Mr Lecurieux-Clerville had called at the house prior to going to the School, when Pupil A was alone. At this time, Pupil A reports that Mr Lecurieux-Clerville hugged her, touching her bra. She also stated, in July 2018 while at the School, Mr Lecurieux-Clerville hugged her and his 'hands wandered up [her] t-shirt again touching [her] bra strap and down to [her] bottom'. In November 2018, in her witness statement, Pupil A states that Mr Lecurieux-Clerville ran his hand up her leg, bottom and back while at a presentation evening at the School.

Mr Lecurieux-Clerville accepts that he went into the silent study room within the School in July 2018 with Pupil A and while hugging her, placed his hands underneath Pupil A's top and touched both Pupil A's bra strap and bottom. He further admits doing so at Pupil A's relatives' house and touching Pupil A's bottom during a presentation evening at the School in November 2018.

The allegation was therefore, found proved.

d. in or around July 2018, pushing Pupil A's legs apart and/or unbuttoning Pupil A's trousers;

This allegation was admitted.

In her witness statement, Pupil A outlined an incident at a relatives' house in early July 2018, when Mr Lecurieux-Clerville had called at the house prior to going to the School, when Pupil A was alone. Pupil A stated that Mr Lecurieux-Clerville had pushed her legs apart and unbuttoned her jeans.

This allegation was therefore, found proved.

e. in or around July 2018, stating to Pupil A "are we even at prom if I can't buy mygirl her favourite shot" or using words to that effect;

This allegation was admitted.

In her witness statement, Pupil A stated that she had attended the prom in July 2018 and Mr Lecurieux-Clerville had bought her a cocktail. She further stated that she said it was

her turn to buy drinks and ordered some tequila shots, but Mr Lecurieux-Clerville insisted that he would pay and, when she said it was only fair that she pays, he responded with 'are we even at prom if I can't buy my girl her favourite shot?'

This allegation was therefore, found proved.

f. kissing Pupil A on one or more occasions;

This allegation was admitted.

In her witness statement, Pupil A stated that she and Mr Lecurieux-Clerville had met towards the end of July 2018 at a coffee shop. When leaving, Mr Lecurieux-Clerville had got into her car and kissed her on the lips. The panel also noted that Pupil A and Mr Lecurieux-Clerville had a sexual relationship after Pupil A had left the School.

This allegation was therefore, found proved.

g. in or around August 2018, suggesting to Pupil A that you book a hotel room together;

This allegation was admitted.

In her witness statement, Pupil A had outlined a text exchange between her and Mr Lecurieux-Clerville. Pupil A outlined that Mr Lecurieux-Clerville had returned from holiday in August 2018 and told her by text message that he had an idea that was a bit farfetched and might 'freak [her] out'. When she asked what this was, he had responded and suggested 'why don't we book a hotel room for the afternoon'.

The panel noted that Mr Lecurieux-Clerville and Pupil A had met on a number of occasions, which included twice at a hotel. The panel considered Pupil A's recollection of accounts, both during the School's disciplinary hearing and her witness statement, to be consistent. The panel considered the finding that Pupil A and Mr Lecurieux-Clerville had met at a hotel to corroborate that Mr Lecurieux-Clerville had suggested that he and Pupil A book a hotel room together.

The allegation was therefore, found proved.

h. sending one or more photographs to Pupil A of you naked and/or wearing only underwear;

This allegation was admitted.

Pupil A had stated in her witness statement that she and Mr Lecurieux-Clerville had exchanged photographs of themselves in underwear and unclothed.

The allegation was therefore, found proved.

i. asking Pupil A for photographs of her breasts and/or bottom;

This allegation was admitted.

Pupil A had also stated in her witness statement that there were occasions where Mr Lecurieux-Clerville had explicitly requested photographs of her breasts and bottom.

The allegation was therefore, found proved.

j. requesting and/or receiving one or more photographs of Pupil A naked and/orwearing only underwear;

This allegation was admitted.

Pupil A had also stated in her witness statement that she and Mr Lecurieux-Clerville had exchanged photographs of themselves in underwear and unclothed.

The allegation was therefore, found proved.

k. in or around September 2018, giving Pupil A one or more gifts;

This allegation was admitted.

The panel had sight of a photograph of a box, containing a number of gifts including vouchers to the cinema. On the voucher was a handwritten note that the gift cards were for Pupil A and one female friend. In her witness statement, Pupil A stated that Mr Lecurieux-Clerville had given her this box when she [redacted].

The allegation was therefore, found proved.

l. engaging in sexual activity with Pupil A;

This allegation was admitted.

The note of the meeting with Mr Lecurieux-Clerville, undertaken as part of the School's disciplinary investigation, states that Mr Lecurieux-Clerville reported having sexual intercourse with Pupil A. This is supported by the witness statement of Pupil A, which states that her and Mr Lecurieux-Clerville engaged in sexual intercourse.

The allegation was therefore, found proved.

3. Your behaviour as may be found proven at 1 and/or 2 above was conduct of a sexual nature and/or was sexually motivated.

This allegation was admitted.

The panel had found that Mr Lecurieux-Clerville had kissed Pupil A and engaged in sexual activity.

In Pupil A's witness statement, it is stated that the dynamics between Pupil A and Mr Lecurieux-Clerville's relationship had changed around April 2018, and Pupil A had become comfortable around him. Mr Lecurieux-Clerville acknowledged in a meeting, held during the School's disciplinary hearing process, that he had started having feelings for Pupil A towards the latter end of [redacted], but was 'very conscious of his feelings given his position within the School'.

The panel found that the allegations, as found proven, were of a sexual nature and were sexually motivated, in that Mr Lecurieux-Clerville had acted in pursuit of sexual gratification and in pursuit of a future sexual relationship. In his written representations, Mr Lecurieux-Clerville states that his intentions at the outset had been purely platonic. However, the panel considered that there was no alternative, plausible reason for Mr Lecurieux-Clerville's conduct as found proven in allegation 1 and 2.

The panel considered that Mr Lecurieux-Clerville's actions in touching Pupil A's bra and bottom, kissing Pupil A, sharing intimate photographs, and engaging in sexual activity were inherently sexual. The panel also considered that Mr Lecurieux-Clerville had communicated with Pupil A, exchanging letters and gifts, in pursuit of a future relationship. The panel acknowledged that there could be an alternative, plausible reason, although ill-advised, as to why Mr Lecurieux-Clerville would give Pupil A his bank card and pin number. The panel considered each individual sub-allegation contained in allegation 1 and 2 and took care not to find the cumulative effect of Mr Lecurieux-Clerville's actions to amount to conduct of a sexual nature and/or sexually motivated. However, the panel considered the circumstances and the nature of the relationship between Mr Lecurieux-Clerville and Pupil A. In light of this, the panel found Mr Lecurieux-Clerville's conduct to be of a sexual nature and sexually motivated.

The allegation was therefore, found proven.

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

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

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

The panel was satisfied that the conduct of Mr Lecurieux-Clerville in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Lecurieux-Clerville 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 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 was satisfied that the conduct of Mr Lecurieux-Clerville fell significantly short of the standards expected of the profession.

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

The panel found that none of these offences was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel did not find the offence of sexual activity relevant, given the age of Pupil A and that she had left the School, although only a short time before Mr Lecurieux-Clerville engaged in sexual activity with Pupil A.

The panel noted that allegations 1b, 1d, 1h, 1i, 1j, 2 and 3 took place outside the education setting. However, the panel considered such conduct affected the way Mr Lecurieux-Clerville fulfilled his teaching role as communication with Pupil A started while Pupil A was [redacted], Mr Lecurieux-Clerville had left school premises to meet Pupil A and the sexual relationship started the summer after the pupil had left the School. The panel considered that teachers have a responsibility to maintain professional boundaries and that this included with former pupils, who had recently left the School, owing to the position of trust a teacher is in.

Accordingly, the panel was satisfied that Mr Lecurieux-Clerville 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 they behave.

The findings of misconduct were serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. In particular, the panel considered that the public would be highly

concerned if they were made aware of the nature of Mr Lecurieux-Clerville's relationship with a former pupil. Although Pupil A had left the School when Mr Lecurieux-Clerville had kissed her and engaged in sexual activity, the panel noted that Pupil A had only left the School a short time before and that the relationship between Mr Lecurieux-Clerville and Pupil A had developed while he was her teacher. The panel considered this to have been a continuing and developing relationship, with no break in communication after Pupil A had left the School.

The panel therefore found that Mr Lecurieux-Clerville's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2 and 3 proved, the panel further found that Mr Lecurieux-Clerville's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a 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 protection of other members of the public, 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 Lecurieux-Clerville, which involved a finding of Mr Lecurieux-Clerville's actions being of a sexual nature and for sexual gratification, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with a pupil at the School, both while she was a pupil and shortly after leaving the School.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lecurieux-Clerville were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Lecurieux-Clerville was outside that which could reasonably be tolerated.

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

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 Lecurieux-Clerville.

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 Lecurieux-Clerville. 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 or violation of the rights of pupils;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Lecurieux-Clerville's actions were not deliberate.

There was no evidence to suggest that Mr Lecurieux-Clerville was acting under duress, and, in fact, the panel found Mr Lecurieux-Clerville's actions to be calculated and motivated.

Mr Lecurieux-Clerville did have a previously good history.

The panel had sight of a reference from a former colleague of Mr Lecurieux-Clerville, written as part of the application process for his former position at the School, which described him as 'a loyal and trustworthy colleague', being 'hardworking and efficient' with an 'excellent relationship with students'. The panel also had sight of a reference, written in 2010, from a [redacted] at the School at which Mr Lecurieux-Clerville had

previously worked, which described him as having 'outstanding skills at building excellent relationships with post 16 students.' Although the panel saw evidence of Mr Lecurieux-Clerville's good character and abilities as a teacher, it noted that no references had been provided by Mr Lecurieux-Clerville as to his good character following the allegations.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Lecurieux-Clerville 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 Lecurieux-Clerville. The significant breach of trust between a pupil and teacher, in carrying out sexually motivated actions both while Pupil A was a pupil at the School and shortly after, 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. The panel found that Mr Lecurieux-Clerville was responsible for developing an inappropriate relationship with Pupil A. He had met, hugged and communicated with Pupil A through text messages, telephone and Instagram while she was a pupil at the School. This communication had developed as a result of Mr Lecurieux-Clerville professional position and continued, with no break, when Pupil A left the School. Mr Lecurieux-Clerville had also failed to maintain an appropriate relationship with Pupil A after she had left the School by giving her gifts, touching her inappropriately, kissing her, exchanging inappropriate photographs and engaging in sexual activity. The panel had found such actions to be of a sexual nature and sexually motivated.

The panel also noted the harm Mr Lecurieux-Clerville's actions had caused to Pupil A and the impact on her mental health.

The panel noted that Mr Lecurieux-Clerville had apologised for his actions during the School's disciplinary process and reiterated his apology to Pupil A and his colleagues in his written response to the allegations. In this response, Mr Lecurieux-Clerville had outlined the actions he had taken to address his behaviour [redacted]. However, the panel did not consider there to be sufficient evidence that Mr Lecurieux-Clerville had reflected on his actions and developed strategies to prevent his behaviour from reoccurring.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Lecurieux-Clerville 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 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 was also “satisfied that the conduct of Mr Lecurieux-Clerville fell significantly short of the standards expected of the profession.”

The findings of misconduct are particularly serious as they include a finding that, “Mr Lecurieux-Clerville’s conduct to be of a sexual nature and sexually motivated.”

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 Lecurieux-Clerville, 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 that his, “conduct affected the way Mr Lecurieux-Clerville fulfilled his teaching role as communication with Pupil A started while Pupil A was [redacted], Mr Lecurieux-Clerville had left school premises to meet Pupil A and the sexual relationship started the summer after the pupil had left the School. The panel considered that teachers have a responsibility to maintain professional boundaries and that this included with former pupils, who had recently left the School, owing to the position of trust a teacher is in.”

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, “Mr Lecurieux-Clerville had apologised for his actions during the School’s disciplinary process and reiterated his apology to Pupil A and his colleagues in his written response to the allegations. In this response, Mr Lecurieux-Clerville had outlined the actions he had taken to address his behaviour [redacted]. However, the panel did not consider there to be sufficient evidence that Mr Lecurieux-Clerville had reflected on his actions and developed strategies to prevent his behaviour from reoccurring.”

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The findings of misconduct were

serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. In particular, the panel considered that the public would be highly concerned if they were made aware of the nature of Mr Lecurieux-Clerville's relationship with a former pupil. Although Pupil A had left the School when Mr Lecurieux-Clerville had kissed her and engaged in sexual activity, the panel noted that Pupil A had only left the School a short time before and that the relationship between Mr Lecurieux-Clerville and Pupil A had developed while he was her teacher."

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 Lecurieux-Clerville himself. The panel comment that it "saw evidence of Mr Lecurieux-Clerville's good character and abilities as a teacher, it noted that no references had been provided by Mr Lecurieux-Clerville as to his good character following the allegations."

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

In this case, I have placed considerable weight on the panel's comments, "The panel found that Mr Lecurieux-Clerville was responsible for developing an inappropriate relationship with Pupil A. He had met, hugged and communicated with Pupil A through text messages, telephone and Instagram while she was a pupil at the School. This communication had developed as a result of Mr Lecurieux-Clerville professional position and continued, with no break, when Pupil A left the School. Mr Lecurieux-Clerville had also failed to maintain an appropriate relationship with Pupil A after she had left the School by giving her gifts, touching her inappropriately, kissing her, exchanging inappropriate photographs and engaging in sexual activity. The panel had found such actions to be of a sexual nature and sexually motivated.

The panel also noted the harm Mr Lecurieux-Clerville's actions had caused to Pupil A and the impact on her mental health."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Lecurieux-Clerville 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 did not consider there to be sufficient evidence that Mr Lecurieux-Clerville had reflected on his actions and developed strategies to prevent his behaviour from reoccurring.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period."

I have considered whether allowing for a no review period reflects the seriousness of the findings and is proportionate and necessary to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review is necessary are the nature of the behaviour found, the damage to Pupil A and the lack of full 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 Stephane Lecurieux-Clerville 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 Stephane Lecurieux-Clerville 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 Lecurieux-Clerville 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 blue ink, appearing to be 'ALC' followed by a stylized flourish.

Decision maker: Alan Meyrick

Date: 27 October 2021

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