



Teaching
Regulation
Agency

Mr Joseph Johnson: Professional conduct panel outcome

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

January 2023

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

Teacher:	Mr Joseph Johnson
Teacher ref number:	1556501
Teacher date of birth:	10 May 1993
TRA reference:	18692
Date of determination:	19 January 2023
Former employer:	The Belvedere Academy, Liverpool

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 17 to 19 January 2023 by way of a virtual hearing, to consider the case of Mr Joseph Johnson.

The panel members were Ms Rosemary Joyce (teacher panellist - in the chair), Dr Martin Coles (former teacher panellist) and Ms Kelly Thomas (lay panellist).

The legal adviser to the panel was Ms Abigail Hubert of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Louisa Atkin of Capsticks solicitors.

Mr Johnson was not present and was not represented.

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

Allegations

The panel considered the allegations set out in the notice of proceedings dated 7 November 2022.

It was alleged that Mr Johnson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst a teacher at the Belvedere Academy ('the School'):

1. On or about 17 December 2018, he:
 - a) called a pupil a "twat";
 - b) used the word "bollocks" within earshot of Pupil A; and
 - c) tickled Pupil A's hips;
2. In or around April 2019, he told Pupil B and Pupil C that:
 - a) if they were naughty he would take them up to "Ceiling Gary" and "he will lock you up", or words to that effect; and
 - b) if they were really naughty "Ceiling Gary" "will rape you", or words to that effect;
3. In or around April 2019, he:
 - a) kicked Pupil C's chair, and then stated "I'm going to get you";
 - b) called Pupil C a "cretin";
 - c) he tried to throw food in Pupil C's face, whilst he chased her round the classroom;
 - d) Attempted to put food in Pupil C's face using a kitchen knife;
 - e) Made Pupil C clean up the classroom, during her lunch break;
 - f) Used the School's SIMS database to identify the address of Pupil C; and
 - g) Stated to Pupil C "I'm going to come and watch you sleep";
4. In or around May 2019, during a Year 8 lesson:
 - a) he said words to the effect of "what's the difference between a pie and a tart, tarts are topless"; and
 - b) When asked by a pupil what a tart was, he responded with words to the effect of "a tart is a slapper, a slag and my favourite word a whore";

5. In or around May 2019, whilst standing behind Pupil B, he whispered the word “whore”;
6. On an unknown date, he followed Pupil D around the classroom with a bag of tomato sauce, knowing that she was scared of tomato sauce;
7. On unknown dates, he referred to pupils as “little shits”;
8. On an unknown date, he said to Pupil E “What the fuck are you playing at?”;
9. On unknown dates, in the presence of Pupil E, he used the word:
 - a) “cunt”
 - b) “fuck”;
10. On an unknown date, he referred to Pupil E by prefacing her name with the word “Gonorrhoea”;
11. On an unknown date, he referred to Pupil F by prefacing her name with the words “Cross contamination”;
12. On an unknown date, he:
 - a) Threw flour at Pupil B;
 - b) tried to put his fingers in Pupil B’s mouth;
 - c) when asked if his hands were clean, said “no I’ve been shoving them up my bum all day”, or words to that effect; and
 - d) said, referring to Pupil B, “let’s find out and put [REDACTED] in the oven”, or words to the effect;
13. On an unknown date, he placed his finger in:
 - a) Pupil F’s nose; and
 - b) Pupil F’s mouth;
14. On an unknown date, he:
 - a) Drew dots on Pupil F’s face with a whiteboard pen; and
 - b) Placed a bucket on Pupil F’s head;

15. On an unknown date, he licked his hand and attempted to place it on pupils' faces;
16. On an unknown date, he spoke to Pupil B using words to the effect of "I like to dress up as a paedophile";
17. On an unknown date, in relation to a class trip you had attended, he described cows being "raped";
18. On an unknown date, he told a story about the slaughter of a dog in which he included graphic detail about the dog being cut into pieces;
19. On an unknown date, he told a story about the sexual abuse of a young girl by her father, without any prior context;
20. On an unknown date, having placed guitar picks over his eyes, he used words to the effect of "I'm a dirty old man who can do things to little girls";
21. On an unknown date, he told a sexually explicit story, about his friend eating jelly beans from his girlfriend's vagina;
22. On an unknown date, he picked up Pupil L and carried her;
23. On an unknown date, he said to a class of year 8 pupils words to the effect of "girls this is one for you because it can make your boobs grow bigger";
24. By his conduct in the following paragraphs, you failed to maintain high standards of behaviour:
 - a) Paragraph 1(a);
 - b) Paragraph 1(b);
 - c) Paragraph 2;
 - d) Paragraph 3;
 - e) Paragraph 4;
 - f) Paragraph 5;
 - g) Paragraph 6;
 - h) Paragraph 7;
 - i) Paragraph 8;

- j) Paragraph 9;
- k) Paragraph 16;
- l) Paragraph 17;
- m) Paragraph 18;
- n) Paragraph 19; and
- o) Paragraph 20;

25. By his conduct in the following paragraphs, you failed to observe a proper boundary appropriate to a teacher's professional position:

- a) Paragraph 1(c);
- b) Paragraph 10;
- c) Paragraph 11;
- d) Paragraph 12;
- e) Paragraph 13;
- f) Paragraph 14;
- g) Paragraph 15;
- h) Paragraph 21;
- i) Paragraph 22; and
- j) Paragraph 23.

Mr Johnson made no admission of fact.

Preliminary applications

Application to proceed in the absence of the teacher

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

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the

case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel noted that there was no evidence of any attempts to contact Mr Johnson in the bundle. The presenting officer subsequently provided a supplementary bundle which included email correspondence between Capsticks solicitors and Mr Johnson. The correspondence included an email dated 13 December 2022 from Mr Johnson confirming that he did not intend on attending the hearing and that he was willing to receive the Notice of Proceedings via email. In an email dated 13 October 2022, Mr Johnson also confirmed that the address that he had previously provided was still his current address. This was the same address to which the Notice of Proceedings had been sent.

Therefore, the panel was satisfied that the Notice of Proceedings had been sent to Mr Johnson in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession April 2018 (the 'Procedures').

The panel concluded that Mr Johnson's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Johnson had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Johnson was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

The panel was mindful of the passage of time since the alleged incidents and the need for these proceedings to be dealt with expeditiously and efficiently.

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

Application to amend allegations

The presenting officer made an application to amend the wording of the allegations as follows:

1. Amending allegation 1a, by substituting the words “called Pupil A a twat” for the words “called a pupil a twat”;
2. Amending allegations 13 and 14, by replacing references to “Pupil G” with “Pupil F”;
3. Adding the word “failed” to the penultimate allegation, so that it reads “you failed to maintain high standards of behaviour”;
4. Removing one of the words “to” from the final allegation, so that it reads “you failed to observe a proper boundary appropriate to a teacher’s professional position”.

The presenting officer also requested that the numbering of the allegations be corrected for the purpose of clarity.

The panel was advised that it had the power to amend allegations in accordance with paragraph 4.56 of the 2018 Procedures.

The panel considered that the proposed amendments would not change the nature and scope of the allegations in that the allegations would substantively remain the same. As such, the panel considered that the proposed amendments did not amount to a material change to the allegations.

The legal adviser drew the panel’s attention to the case of *Dr Bashir Ahmedsowida v General Medical Council [2021] EWHC 3466 (Admin), 2021 WL 06064095* which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of *Professional Standards Authority v Health and Care Professions Council and Doree [2017] EWCA Civ 319 at [56]*.

Accordingly, the panel granted this application and considered the amended allegations, which are set out above.

The panel noted that since the date of the referral to the TRA in this case, new ‘Teacher misconduct: Disciplinary procedures for the teaching profession’ were published in May 2020 (the ‘May 2020 Procedures’). The panel understands that the earlier provisions contained within the ‘Teacher misconduct: disciplinary procedures for the teaching profession’ updated in April 2018 (the ‘April 2018 Procedures’) apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 8
- Section 2: Notice of proceedings – pages 9 to 28
- Section 3: TRA witness statements – pages 29 to 118
- Section 4: TRA documents – pages 119 to 292

In addition, the panel agreed to accept the following:

- Supplementary Bundle A: Correspondence relevant to preliminary matters – pages 2 - 17

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents relevant to the preliminary matters.

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A, [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 Johnson was engaged by the School, initially as an agency member of staff on 8 January 2018 and was subsequently employed on a one year contract as a teacher of food technology on 16 July 2018 to 31 August 2019.

On 17 December 2018, an allegation was made by Pupil A that Mr Johnson used inappropriate language and “*tickled her hips*” when moving passed her in the classroom. Mr Johnson denied this incident and a note was placed on his file.

On 3 May 2019, a disclosure was made by Pupil B and Pupil C during a conversation with Individual B. Pupil B and Pupil C alleged that Mr Johnson had regularly used inappropriate language towards them.

Statements were taken from other pupils in Mr Johnson's Year 10 class, on 8 May 2019. These statements also outlined allegations of inappropriate language and behaviour that Mr Johnson displayed when he was teaching. Mr Johnson was suspended from his position at the School.

On 14 May 2019, two Year 8 pupils made allegations of a similar nature to the head of lower school.

On 17 June 2019, at a LADO strategy meeting, the police stated that no further action would be taken by them in relation to these allegations.

A school investigation meeting took place with Mr Johnson, on 24 June 2019, who denied the allegations made against him.

Findings of fact

At the outset, the panel identified that there was hearsay evidence in the hearing bundle and it noted that Pupil A, Pupil B, Pupil C, Pupil D, Pupil E, Pupil F, Pupil G, Pupil H, Pupil I, Pupil J, Pupil K and Pupil L had not provided a witness statement in connection with these proceedings, nor did they attend the hearing as witnesses. The panel was advised that hearsay evidence is admissible in civil proceedings but that it should be recognised as hearsay and the panel should determine the weight to be placed on it. The panel noted that some of the students would have still been under 18 at the time of the hearing and acknowledged that they would have required parental consent to participate in the proceedings. The panel further noted that the students' parents had been contacted by Capsticks to seek their children's participation in the proceedings. Some parents did not respond to the correspondence and some simply declined. Ultimately, there was no direct oral evidence from the students.

The findings of fact are as follows:

The panel noted the witness statement and oral evidence of Witness A, who explained that she first became involved with the concerns relating to Mr Johnson when she received an email from Individual B, [REDACTED], on 3 May 2019. Individual B stated that she needed to speak to Witness A about something confidential. Witness A spoke to Individual B on 7 May 2019 and Individual B explained that she had emailed Pupil E's teachers in relation to her sitting her GCSE's and Mr Johnson had responded. Individual B then discussed the contents of the email with Pupil E, whilst Pupil F had also been present. Pupil E and Pupil F both raised concerns about Mr Johnson, in particular about him telling students inappropriate sexualised stories during lessons.

Prior to such concerns being raised, Witness A submitted in her witness statement that there had only been one other incident with Mr Johnson; this occurred in December 2018 when Individual C, [REDACTED], received a phone call from the parent of Pupil A. Pupil

A's mother told Individual C that Mr Johnson had called another Year 8 student a "twat" and that he had tickled her hips. At the time, Individual C and Witness A spoke to Mr Johnson and he denied the accusations. No further action was taken and a note was placed on Mr Johnson's file. The matter was reported to Individual D, [REDACTED].

After Individual B raised her concerns with Witness A, Witness A spoke to [REDACTED], Individual E. The School decided that Witness A would investigate the concerns into Mr Johnson because Witness A [REDACTED], where Mr Johnson worked.

Witness A interviewed Pupil E and Pupil F, who had initially raised their concerns. Witness A then spoke to other year 10 students in Mr Johnson's Year 10 teaching group. Witness A spoke to Pupil H, Pupil I and Pupil J, and asked them generally how their lessons were going and whether Mr Johnson had ever used any inappropriate language or told any stories which did not relate to their lessons. All of the students, including Pupil E and Pupil F were spoken to individually. The panel noted that Witness A had also spoken to Pupil G, who was in Mr Johnson's Year 11 teaching group, who reported no incidences of inappropriate stories or language by Mr Johnson.

Witness A also spoke to the parents of Pupil E, Pupil F, Pupil A, Pupil H, Pupil I and Pupil J via telephone. One of the students' mothers told Witness A that she had been told by her daughter that Mr Johnson had behaved inappropriately but that her daughter was worried about getting him in trouble.

Witness A undertook an investigation interview with Mr Johnson on 10 May 2019. However, shortly after the interview, further concerns came to light. On 14 May 2019, Pupil B and Pupil C approached Individual C. Pupil B and Pupil C were Year 8 students and were in separate classes. Witness A spoke to Pupil B and a friend of hers from the same class, Pupil K. [REDACTED] spoke to Pupil C, and passed the details to Witness A. Pupil B's parents also came into the School on 15 May 2019 and reiterated how concerned they were about what Pupil B had told them.

Witness A stated that the information put forward by Pupil B, Pupil C and Pupil K was slightly different to what the Year 10 students had raised, but that it was still linked to the key areas of concern.

The panel also considered oral evidence given by Witness A that Mr Johnson had not raised any concerns about the stories being fabricated by the students or that they had been raised maliciously. The panel however did note that Pupil E and F's concerns had been raised after Mr Johnson had provided a report on Pupil E's progress to her form tutor at the time. The panel further noted that Witness A confirmed in her oral evidence, to the best of her knowledge, none of the students had raised allegations about other teachers within the School.

1. On or about 17 December 2018, you

a) called a pupil a “twat”

b) used the word “bollocks” within earshot of Pupil A

The panel noted that allegation 1 (a) and 1 (b) were the first of their nature to be raised against Mr Johnson.

The panel also considered that Pupil A had raised these concerns with a parent, who had been the person to raise the concerns with the School, which Pupil A may have been more unlikely to do if her concerns were fabricated.

The panel noted Mr Johnson’s pattern of behaviour throughout the allegations raised against him, whereby he used inappropriate language in the presence of students and that he also admitted to swearing under his breath during the School’s investigation.

The panel found allegation 1 (a) and (b) proven.

c) tickled Pupil A’s hips;

The panel noted that when Individual C and Witness A spoke to Mr Johnson about the concerns raised by Pupil A, that he admitted to moving girls when he is carrying equipment to avoid hot things. At that time, Individual C and Witness A explained to Mr Johnson that touching the students on the shoulders to move them may be more appropriate than on their hips.

The panel considered, given that the management advice provided to Mr Johnson about a more appropriate way of moving students, it was probable that Mr Johnson did move Pupil A by touching and subsequently tickling her hips.

The panel found allegation 1 (c) proven.

2. In or around April 2019, you told Pupil B and Pupil C that

a) if they were naughty you would take them up to “Ceiling Gary” and “he will lock you up”, or words to that effect;

b) if they were really naughty “Ceiling Gary” “will rape you”, or words to that effect;

The panel noted that in both the School’s investigation report and in the police interview Mr Johnson had accepted that he had used the term “Ceiling Gary” explaining that he does so when he hears footsteps on the floor above the room in which he taught.

Further, the panel considered that Pupil B and Pupil C in their witness statements, which were taken as part of the School’s investigation, had both provided accounts of Mr Johnson using the concept of “Ceiling Gary” and had stated that Mr Johnson had said “if

you are naughty Ceiling Gary will lock you up and if you are really naughty Ceiling Gary will rape you”.

The panel noted that Pupil B and Pupil C had provided their witness statements together and therefore, could have colluded beforehand. However, the panel felt that, Pupil B’s and Pupil C’s account was credible and given that Mr Johnson had admitted the concept of “Ceiling Gary” it was improbable that Pupil B and Pupil C had made up the latter part of the allegations.

The panel also considered the weight to be given to the evidence given that Pupil B and Pupil C were not providing oral evidence at the hearing. However, the panel identified that during a police interview it had clearly been explained to Pupil B about telling the truth and she was provided with a pretend scenario to demonstrate her understanding of telling the truth and telling a lie. Pupil B’s account of what Mr Johnson had said about “Ceiling Gary” were words to that effect that had been provided in her statement taken as part of the School’s investigation.

The panel therefore found allegation 2 (a) and 2 (b) proven.

3. In or around April 2019, you

a) kicked Pupil C’s chair, and then stated “I’m going to get you”

The panel noted that there was evidence in the bundle that Mr Johnson admits that he would touch students’ chairs if they were rocking on them including putting his foot on the bar to stop the chair falling over. The panel accepted that this was a plausible explanation given the potential concerns about health and safety if a student is rocking on a chair and the risk that they could fall and hurt themselves if the chair was to slip.

The panel considered that the interpretation of the comment “I’m going to get you” could be ambiguous and felt that there was no evidence in the bundle as to the context of how this statement was allegedly said.

The panel also noted that there was no other evidence in the bundle from other students in Mr Johnson’s classes to corroborate Pupil C’s account.

The panel therefore found allegation 3 (a) not proven.

b) called Pupil C a “cretin”

The panel noted the number of occasions that Mr Johnson had used inappropriate and demeaning language throughout the bundle and, at times, had directed this language at students.

The panel also noted the other use of unacceptable “nicknames” that students’ state that he has referred to them by within the bundle.

The panel therefore found allegation 3 (b) proven.

c) You tried to throw food in Pupil C's face, whilst you chased her round the classroom

The panel considered the School's investigation where Pupil C alleged that Mr Johnson had tried to throw food in her face whilst chasing her round the classroom. The panel also considered that Mr Johnson had said that the allegation was ridiculous and that he had never chased a student with dirty food. The panel noted that Mr Johnson did state that he would run around when cleaning food out of the drains.

The panel considered that there was a lack of evidence within the bundle because, in particular, the School had not taken statements from any other students within Pupil C's class and therefore the panel noted that they had no other evidence to rely on other than Pupil C's and Mr Johnson's account.

The panel therefore found allegation 3 (c) not proven.

d) Attempted to put food in Pupil C's face using a kitchen knife

The panel again noted that Pupil C alleged that Mr Johnson had attempted to put food in her face using a kitchen knife during the School's investigation. Mr Johnson had again said that the allegation was ridiculous and that he had never chased a student with a knife.

The panel considered that there was a lack of evidence within the bundle because, in particular, the School had not taken statements from any other students within Pupil C's class and therefore the panel noted that they had no other evidence to rely on other than Pupil C's and Mr Johnson's account.

The panel therefore found allegation 3 (d) not proven.

e) Made Pupil C clean up the classroom, during her lunch break

The panel again considered the evidence available to them in the bundle. The panel also considered that Mr Johnson had denied that he had ever made a student stay behind for a whole lunchtime.

The panel noted that there were no other accounts in the bundle from other students being kept behind during their lunchbreaks and so noted that there was a lack of corroboration between the students.

The panel therefore found allegation 3 (e) not proven.

f) Used the School's SIMS database to identify the address of Pupil C

The panel noted that Mr Johnson had admitted in the bundle that he had looked up Pupil C's "sins" on the SIMS database which, would have also contained Pupil C's address.

The panel acknowledged that Mr Johnson may have known Pupil C's address from accessing the SIMS database for other reasons, such as above, however, based on the evidence available to them, the panel did not consider that there was sufficient evidence that Mr Johnson's primary purpose for accessing the SIMS database was to identify the address of Pupil C.

The panel therefore found allegation 3 (f) not proven.

g) Stated to Pupil C "I'm going to come and watch you sleep";

The panel considered that the only evidence in the bundle was Pupil C's account, which formed part of the School's investigation, and Pupil B's account which she provides as part of her police interview. However, the panel noted that Pupil B had simply been told about the incident from Pupil C.

The panel also noted that Mr Johnson stating "we've got better things to do then turn up at your house..." was plausible and questioned whether this could have been misinterpreted by the students.

The panel therefore found allegation 3 (g) not proven.

4. In or around May 2019, during a Year 8 lesson

a) You said words to the effect of "what's the difference between a pie and a tart, tarts are topless"

The panel noted the evidence from Pupil B in both the school's investigation and in her police interview.

The panel also noted that there was evidence in the bundle, namely the police interview with Mr Johnson, where he confirms that a similar conversation took place, when the students were making custard tarts, where he had made a cookery joke and had said words to the effect that "a tart's topless".

The panel therefore found allegation 4 (a) proven.

b) When asked by a pupil what a tart was, you responded with words to the effect of "a tart is a slapper, a slag and my favourite word a whore";

The panel first noted, as above, that there was evidence in the bundle that a conversation regarding "tarts" had taken place.

The panel considered the statement that had been raised by Pupil B in both the School's investigation and later in the police interview and it appeared that it was alleged to have been said in front of the whole classroom. The panel noted that there was no corroboration from the other student that was interviewed that was in Pupil B's class about Mr Johnson making this statement. The panel again noted that the School had only interviewed one other pupil in Pupil B's class which, according to Witness A's oral evidence contained around 18-19 students.

The panel felt that there was a lack of evidence in the bundle to confirm whether this statement had been made.

The panel therefore found allegation 4 (b) not proven.

5. In or around May 2019, whilst standing behind Pupil B, you whispered the word "whore";

The panel considered the evidence available to it and the accounts given by Pupil B in both the School's investigation and the police interview. The panel noted that there was no other corroboration from the other student interviewed in Pupil B's class but acknowledged that if Mr Johnson had whispered the word "whore" this may not have been heard by that student.

The panel again felt that there was a lack of evidence in the bundle to confirm whether this word had been whispered given that the School had not interviewed a selection of students from Pupil B's class.

The panel therefore found allegation 5 not proven.

6. On an unknown date, you followed Pupil D around the classroom with a bag of tomato sauce, knowing that she was scared of tomato sauce;

The panel first noted that there seemed to be some confusion in the bundle over which pupil was scared of tomato sauce. The allegation referred to Pupil D however there was reference in the police interview to Pupil E.

The panel felt that, if Pupil D had allegedly been chased around the classroom with a bag of tomato sauce, it was problematic that they had not been spoken to or provided any evidence as part of the School's investigation. If it was in fact Pupil E, as referred to in the police interview, then she did not make any reference to this in her statement provided as part of the School's investigation.

The panel also noted Mr Johnson's account in the police interview which was that it was other students that would wind up "Pupil E" by taking tomato sauce packets from the canteen and throwing them at her and hiding them in her things which the panel considered was conceivable.

The panel therefore found allegation 6 not proven.

7. On unknown dates, you referred to pupils as “little shits”;

The panel first noted evidence in the bundle from Mr Johnson’s police interview where he stated that he did not even swear in the staffroom. However, the panel considered that there were a number of references in the bundle from different students including Pupil H, Pupil I and Pupil F which corroborated the account that Mr Johnson would swear at students.

Further, the panel also considered that Pupil F had provided evidence as part of the school’s investigation that Mr Johnson swears under his breath which, Mr Johnson admitted that he does within the school’s investigation albeit that he did not admit to having said the words as alleged.

The panel also noted Witness A’s witness evidence that said that Mr Johnson would have known that it was not appropriate to swear around students because he would have received training on this.

The panel also considered the pattern of behaviour that was demonstrated by Mr Johnson throughout the allegations raised and within the bundle whereby he used inappropriate language in front of and directly at students.

The panel therefore found allegation 7 proven.

8. On an unknown date, you said to Pupil E “What the fuck are you playing at?”;

The panel again noted the evidence in the bundle and the corroboration in a number of the students’ accounts regarding Mr Johnson swearing at students. The panel also noted the pattern of Mr Johnson’s behaviour throughout the bundle with regards to using inappropriate language in lessons and around students.

The panel therefore found allegation 8 proven.

9. On unknown dates, in the presence of Pupil E, you used the word

a) “cunt”

The panel again noted that Mr Johnson confirmed as part of the investigation he did not recall swearing.

Although the panel considered the pattern of Mr Johnson’s behaviour in relation to using inappropriate language it noted the seriousness of the word “cunt” and the fact that no other students had raised this particular word as part of their statements taken during the investigation process.

The panel further noted that the other inappropriate language that Mr Johnson had said such as “fuck” and “shit” were words that could be used more generally and indirectly as opposed to the word “cunt” which would be more likely to be used directly, potentially as an insult.

The panel therefore found allegation 9 (a) not proven.

b) “fuck”;

The panel noted their considerations from allegations 7, 8 and 9 (a) and again noted that Mr Johnson had confirmed as part of the investigation that he did not recall swearing. However, he did admit that he may have used a swear word under his breath and that he says “*what the frig*”.

The panel noted that this aligned with Pupil F’s account that Mr Johnson sometimes swears under his breath. The panel considered that “*what the frig*” could have also been Mr Johnson saying “*what the fuck*”. The panel further noted that this could have been said in a number of different contexts and not necessarily directed at the students.

The panel also considered that as part of the School’s investigation there had been five year 10 witness statements taken that stated that Mr Johnson swears during lessons.

The panel therefore found allegation 9 (b) proven.

10. On an unknown date, you referred to Pupil E by prefacing her name with the word “Gonorrhoea”;

The panel first considered that the informal way that Mr Johnson appeared to have conducted his Year 10 class was corroborated in a number of the students’ statements and also confirmed by Witness A in her oral evidence.

Further, the panel noted Witness A’s oral evidence that both Pupil E and Pupil F had raised concerns about Mr Johnson having nicknames for them.

As part of the investigation, Mr Johnson had stated that one of the other students had used “Gonorrhoea” as a nickname for Pupil E. However, Mr Johnson said that he had only used that word when telling that student that it was not nice to use. The panel considered this together with the fact that Pupil E and Pupil F had both raised concerns about the use of nicknames.

The panel considered that there was a pattern in Mr Johnson’s behaviour in terms of inappropriate use of “nicknames” and inappropriate language and therefore, the panel found Pupil E’s account credible.

The panel therefore found allegation 10 proven.

11. On an unknown date, you referred to Pupil F by prefacing her name with the words “Cross contamination”;

The panel first noted that Mr Johnson had admitted during the school’s investigation that he had used the nickname “cross-contamination” albeit that he said it was to make a point about unhygienic practice when a student used her teeth to bite chocolate into pieces rather than use a knife.

The panel further noted that in the police interview, Mr Johnson again admitted saying “cross–contamination” to Pupil F and he appears to suggest that it had become a joke.

The panel therefore found allegation 11 proven.

12. On an unknown date, you

a) Threw flour at Pupil B

The panel considered the evidence in the bundle and the fact that both Pupil B and Pupil K stated this had taken place. The panel also noted that Pupil B, during her police interview, spoke about Mr Johnson throwing flour at her.

The panel noted that during the police interview, Mr Johnson said that he may have been lifting some flour up to put it in the bin and the flour may have dropped on Pupil B’s shoulder accidentally. He also provided an example where he had been using a flour dredger and he had shaken it a little bit and it had gone on students. When questioned about whether Mr Johnson could specifically remember this happening to Pupil B he said that *“it could have done but I don’t know”*.

The panel felt therefore that it was probable that Mr Johnson had thrown flour at Pupil B.

The panel therefore found allegation 12 (a) proven.

b) tried to put your fingers in Pupil B’s mouth;

The panel considered both the School’s investigation and the police interview with Pupil B and Mr Johnson. The panel noted in the police interview, Pupil B said that when Mr Johnson put his hand to her face she was not sure what he would have done if she had not moved his hand. The panel further noted that Pupil B does not try to elaborate or devise a story and she was unable to confirm Mr Johnson’s intention.

The panel acknowledged that moving your hands towards someone’s face does not automatically mean that you are going to put your fingers in their mouth.

The panel therefore found allegation 12 (b) not proven.

c) when asked if your hands were clean, said “no I’ve been shoving them up my bum all day”, or words to that effect;

The panel considered the police interviews with Pupil B and Mr Johnson. The panel noted that Mr Johnson had provided a similar account to that alleged by Pupil B. Mr Johnson admits saying something like “*yes they are clean it’s not like I’ve been touching my bum or anything*”. The panel considered that those were words to the effect of those raised by Pupil B.

The panel therefore found allegation 12 (c) proven.

d) said, referring to Pupil B, “let’s find out and put [REDACTED] in the oven”, or words to the effect;

The panel first noted that Mr Johnson had admitted calling Pupil B “[REDACTED]”. The panel also noted that there was evidence in the bundle to suggest there had been a conversation regarding humans being put in an oven.

The panel considered that Pupil B had only raised this in her police interview and not as part of the School’s investigation. They also considered that this statement was not raised by the other student that was interviewed from her class, Pupil K. However, on balance, the panel observed that, although the statement may have been said in front of the class, it was very personal to Pupil B and may not have been picked up by Pupil K or, any other students in the class even if the School had taken statements as part of their investigation.

The panel noted a pattern of both inappropriate language and behaviour by Mr Johnson which supported the credibility of Pupil B’s account.

The panel therefore found allegation 12 (d) proven.

13. On an unknown date, you placed your finger in

a) Pupil F’s nose;

The panel noted that there were a number of accounts from students within the bundle that Mr Johnson had put his finger in Pupil F’s nose including statements from Pupil F herself, Pupil E and Pupil I. The panel therefore considered that this was probable.

The panel therefore found allegation 13 (a) proven.

b) Pupil F’s mouth;

The panel again noted that there were a number of accounts from students within the bundle that Mr Johnson had put his finger in Pupil F’s mouth. Pupil F even goes on to say that it was Mr Johnson’s little finger and that she bit down a tiny bit.

The panel considered that Mr Johnson had denied that this had happened in his police interview but that he may have waved his fingers in Pupil F's face as a joke. The panel noted a similar pattern of behaviour throughout the School's investigation and the police interview where Mr Johnson admits a similar event took place but not the exact allegation raised by the student.

The panel considered on the balance of probabilities and given the number of student accounts confirming this allegation that it was founded.

The panel therefore found allegation 13 (b) proven.

14. On an unknown date, you

a) Drew dots on Pupil F's face with a whiteboard pen

b) Placed a bucket on Pupil F's head;

The panel considered the evidence available to it in the bundle and also noted that these allegations had taken place during Enrichment and not the usual Food Technology classes that Mr Johnson teaches. Therefore, the panel noted that there was no evidence in the bundle to suggest that statements had been taken from students in the Enrichment class as part of the School's investigation.

The panel also noted that both allegations were raised within one sentence in Pupil F's statement and no context was provided.

The panel also noted Mr Johnson completely denied this allegation and he could not think of a reason why Pupil F had said this. The panel considered this was different to a number of the allegations raised whereby Mr Johnson had provided a similar account to that which had been alleged.

The panel therefore found allegations 14 (a) and (b) not proven.

15. On an unknown date, you licked your hand and attempted to place it on pupils' faces;

The panel noted that there was evidence in the bundle from both Pupil E and Pupil F in their initial report to Individual B that this had taken place and later in Pupil E's statement which formed part of the School's investigation.

The panel considered that, given the pattern of behaviour from Mr Johnson where he is putting his hands near/in student's mouths and up their nose, on the balance of probabilities Mr Johnson did lick his hand and attempt to place it on pupils' faces.

The panel therefore found allegation 15 proven.

16. On an unknown date, you spoke to Pupil B using words to the effect of “I like to dress up as a paedophile”;

The panel considered the evidence available for this allegation in the bundle. The panel noted that only one student, Pupil B, had said that Mr Johnson had said this and there did not appear to be any commonality within the other students’ statements which, there had been for some of the other allegations.

The panel also noted that in Pupil B’s police investigation she appears to be less emphatic on this allegation. There is a level of ambiguity and the panel were not completely clear on the context in which the statement had been used.

The Panel considered Mr Johnson’s police interview where he appears to be very clear that he does not know where this allegation has come from. Again, the panel also noted the difference in Mr Johnson’s response in comparison to his response to a number of the other allegations put to him where he accounts for similar conversations taking place.

The panel therefore found allegation 16 not proven.

17. On an unknown date, in relation to a class trip you had attended, you described cows being “raped”;

The panel considered Pupil B’s and Mr Johnson’s police interview.

Mr Johnson appears to accept that there was a conversation about cows but does not accept that he used the word “rape” and further, he does not accept Pupil B’s account of what happened.

When considering the evidence available in the bundle, the Panel noted that it is clear that a conversation had taken place about cows and the word “raped” had been used. However, the panel considered that it is probable that the students were discussing the subject and that Mr Johnson joined the conversation in response to being asked a question by a student.

The panel also noted that Pupil B had said that the students in the class were very quiet after that but Pupil K had not raised this as a concern in her statement. The panel did acknowledge that Pupil K may have been absent that day but without any other evidence, whether that be from Pupil K or from the School taking statements from other students in Pupil B’s class, the panel considered that there was a lack of evidence available to them.

The panel therefore found allegation 17 not proven.

18. On an unknown date, you told a story about the slaughter of a dog in which you included graphic detail about the dog being cut into pieces;

The panel noted Witness A's witness statement which stated that Mr Johnson admitted telling a story about how a dog was slaughtered. However, the panel considered Mr Johnson's investigation interview with Witness A where he clearly denied saying "*dogs were slaughtered in a bag*". Mr Johnson suggests that he was asked by students if it was true that dogs are eaten in other countries and he had explained to them that he had seen on a cookery programme about dogs being bought on the roadside.

The panel further note that Pupil K mentions this in her statement taken as part of the School's investigation however it did not include graphic detail about the dog being cut into pieces.

The panel therefore found allegation 18 not proven.

19. On an unknown date, you told a story about the sexual abuse of a young girl by her father, without any prior context;

The panel considered the evidence in the bundle including the School's investigation which included Pupil K's statement which had reference to this allegation and Mr Johnson's investigation interview with Witness A. The panel noted that Mr Johnson suggested that he joined in with a conversation that the students were already having about a live news stream regarding a girl who was abused by her father and had a baby. The panel noted that Mr Johnson admits adding to the conversation.

The panel noted that Pupil K's account had not been corroborated by the other student that had provided a statement in her class. The panel also noted Witness A's oral evidence where she stated that there were 18-19 students in this particular class. The panel considered that there was a lack of evidence available to it to determine the allegation proven given that the School had not interviewed a selection of other student's in Pupil K's class.

The panel therefore found allegation 19 not proven.

20. On an unknown date, having placed guitar picks over your eyes, you used words to the effect of "I'm a dirty old man who can do things to little girls";

The panel noted that there was evidence in the bundle where Mr Johnson admits picking up the guitar picks and putting them over his eyes. However, he does not admit making the comments.

The panel noted that Pupil B had said in her statement that the whole class were there when this statement was made however, Pupil K had not mentioned this in her statement. Further, the panel again considered that the School had not taken statements from any other students in Pupil B or Pupil K's class.

The panel therefore found allegation 20 not proven.

21. On an unknown date, you told a sexually explicit story, about your friend eating jelly beans from his girlfriend's vagina;

The panel noted Witness A's witness statement that confirmed this story was initially reported by Pupils E and F.

The panel further noted that within the School's investigation four of the five students that were interviewed detailed this particular story namely, Pupil E, F, H and I. The panel considered that the story had been shocking enough to be included in the majority of the students' statements from that class.

The panel considered Mr Johnson's account that he had heard the story at other schools but did not consider this was credible. The panel noted that Mr Johnson admits in the School's investigation having a conversation with the students about a "dental dam" which is wholly inappropriate and they could see how he could have subsequently told this sexually explicit story.

The panel therefore found allegation 21 proven.

22. On an unknown date, you picked up Pupil L and carried her;

The panel noted that this allegation had been raised by Pupil B in her police interview. However, when Pupil L was spoken to by the police by telephone she denied that Mr Johnson had picked her up and moved her and confirmed she had moved herself.

The panel considered whether Pupil B had seen another student being picked up but could not comment further due to the lack of statements taken during the School's investigation from students in Pupil B's class.

The panel therefore found allegation 22 not proven.

23. On an unknown date, you said to a class of year 8 pupils words to the effect of "girls this is one for you because it can make your boobs grow bigger";

The panel considered the evidence available to it in the bundle and noted that this allegation had only been included in Pupil B's police interview and not the School's investigation.

The panel again noted the lack of evidence available to them to consider this allegation given the small number of statements that were taken from students in Pupil B's class.

The panel therefore found allegation 23 not proven.

24. By your conduct in the following paragraphs, you failed to maintain high standards of behaviour

- a) Paragraph 1(a)
- b) Paragraph 1(b)
- c) Paragraph 2
- d) Paragraph 3
- e) Paragraph 4
- f) Paragraph 5
- g) Paragraph 6
- h) Paragraph 7
- i) Paragraph 8
- j) Paragraph 9
- k) Paragraph 16
- l) Paragraph 17
- m) Paragraph 18
- n) Paragraph 19
- o) Paragraph 20;

The panel noted when considering allegation 24 that they had found parts of paragraph 3, part of paragraph 4, paragraph 5, paragraph 6, parts of paragraph 9, paragraph 16, paragraph 17, paragraph 18, paragraph 19 and paragraph 20 not proven. Therefore, the panel considered whether by Mr Johnson's conduct, in those paragraphs that they had found proven, he had failed to maintain high standards of behaviour.

The panel noted the repeated use of wholly inappropriate and demeaning language that had been used by Mr Johnson within the bundle and in the proven allegations. The panel also noted that the language and "jokes" used by Mr Johnson were often of a sexual nature and were extremely derogatory. The panel considered that this is wholly inappropriate behaviour particularly when teaching impressionable teenage girls.

The panel considered that his behaviour is not what might be expected of a teacher. This behaviour certainly falls short of a high standard of behaviour expected by the profession.

The panel also considered the statement taken from Pupil G whereby her view was that Mr Johnson was a good teacher and made no reference to swearing. The panel therefore

considered that Mr Johnson was aware of how to properly act during lessons and the high standards of behaviour that he should be maintaining. In the School's investigation, Mr Johnson differentiates between his Year 10 and Year 11 class and the panel noted therefore that he is aware of how to conduct himself in relation to the needs of students.

The panel noted that in Witness A's witness evidence she explained that the ATB Disciplinary Policy and Procedure and Academy Staff Code of Conduct were relevant documents which all teachers in the School would have read and been familiar with from induction stage. The panel further noted that Mr Johnson was asked during the first interview on 10 May 2019 whether he had received annual safeguarding training, read the Safeguarding Policy and read the Code of Conduct and he confirmed that he had.

The panel therefore found allegation 24 proven.

25. By your conduct in the following paragraphs, you failed to observe a proper boundary appropriate to a teacher's professional position:

- a) Paragraph 1(c),
- b) Paragraph 10,
- c) Paragraph 11,
- d) Paragraph 12,
- e) Paragraph 13,
- f) Paragraph 14,
- g) Paragraph 15,
- h) Paragraph 21,
- i) Paragraph 22,
- j) Paragraph 23,

The panel noted when considering allegation 25 that they had found parts of paragraph 12, paragraph 14, paragraph 22 and paragraph 23 not proven. Therefore, the panel considered whether by Mr Johnson's conduct in the remaining paragraphs that they had found proven he had failed to observe a proper boundary appropriate to a teacher's professional position.

The panel first noted that in Witness A's witness evidence she explained that the ATB Disciplinary Policy and Procedure and Academy Staff Code of Conduct were relevant documents which all teachers in the School would have read and been familiar with from induction stage. The panel further noted that Mr Johnson was asked during the first

interview on 10 May 2019 whether he had received annual safeguarding training, read the Safeguarding Policy and read the Code of Conduct and he confirmed that he had. The panel therefore considered that Mr Johnson would have been aware of the proper boundaries to be observed.

The panel noted the evidence in the bundle where students suggest that Mr Johnson acts like a student. The panel also considered that the onus is on Mr Johnson to maintain those professional boundaries and to close down inappropriate topics of conversation taking place amongst students or directly addressed to him.

The panel noted the use of “nicknames” as being wholly inappropriate, demeaning and hurtful. The panel also considered that it could encourage bullying from other students if they hear a teacher using such language.

The panel therefore found allegation 25 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 Johnson, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Johnson 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
 - showing tolerance of and respect for the rights of others
 - ensuring that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law.

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 Johnson was asked during the first interview that formed part of the School's investigation whether he had received annual safeguarding training, read the Safeguarding Policy and read the School's Code of Conduct and he confirmed that he had.

The panel noted the particular vulnerabilities of some of the students that were included in the bundle and referenced in Witness A's oral evidence.

The panel considered that as a teacher Mr Johnson should be a role model to students and when using the inappropriate language and engaging in inappropriate behaviour he fell far short of the standards expected of him and had failed in his duty of care to students.

The panel noted that some of his misconduct was of a sexual nature and teenage girls who become familiar with such language may become vulnerable to exploitation or abuse.

The panel also noted that Mr Johnson's behaviour with the allegations that have been proven demonstrate that he did not have regard for the very clear ethos and policies of his School.

The panel was satisfied that the conduct of Mr Johnson amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Johnson 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.

The findings of misconduct are 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.

The panel noted that a number of the student's had rightly discussed their concerns with their parents and the potential impact this could have given that parents should be able to

trust that when their children go to school they will be treated with respect and appropriate care.

The panel further considered the wholly inappropriate behaviour that had been found proven against Mr Johnson and considered that this was not behaviour that you would expect to see from any teacher in a school. They went on to note that the “nicknames” used by Mr Johnson are demeaning insults and, in particular, the story regarding “jelly beans” that was told to student was egregious.

The panel also noted that the School was a single sex girl’s school. Mr Johnson engages in sexualised language directed at his students which heightens the misconduct.

The panel therefore found that Mr Johnson’s actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1(a)-(c), 2(a)-(b), 3(b), 4(a), 7, 8, 9(b), 10, 11, 12(a), (c), 12(d), 13(a)-(b), 15, 21, 24 and 25 proved, the panel further found that Mr Johnson’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.

The panel were aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the 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 safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel’s findings against Mr Johnson which involved using highly inappropriate language including on occasions language of a sexual nature, making

inappropriate comments and telling inappropriate stories to pupils including using demeaning and undermining “nicknames” and failing to observe a proper boundary appropriate to a teacher’s professional position, there was a strong public interest consideration in respect of the protection of pupils.

The panel noted the highly derogatory and undermining “nicknames” that had been used by Mr Johnson and the sexualised language that he had used particularly around pupils. The panel did note that there was no evidence to suggest that the sexualised language used was sexually motivated. The panel also considered the concept of “Ceiling Gary” to be a very threatening concept which could have a lasting impact on the pupils. The panel noted from Witness A’s oral evidence that some of the pupils were known in the School to have vulnerabilities which Mr Johnson should have been aware of.

The panel also considered the potential consequences of a teacher, who should be acting as a role model, using sexualised and highly demeaning language around pupils that are at an age where they are forming their views of how the world behaves. The panel noted that Mr Johnson was in a position of trust and there was evidence to suggest that he was acting as if he was the pupils’ friend as opposed to their teacher. The panel considered there could be a risk of Mr Johnson repeating this type of inappropriate behaviour in the future given that he had first been given management advice around the language that he used at the end of 2018 and had subsequently gone on to repeatedly use wholly inappropriate language and behave in a way that falls far short of the standards that are expected from a teacher.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Johnson was not treated with the utmost seriousness when regulating the conduct of the profession. The panel noted the highly influential role that teachers have in pupils’ lives and the trust that parents put in those teachers when sending their children to school.

The panel was of the view that there was a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Johnson was serious and wholly inappropriate behaviour that could not be tolerated by the profession. The panel noted that there is an expectation that all members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times which Mr Johnson had fallen far short of.

In view of the clear public interest considerations that were present, the panel carefully considered whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Johnson. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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

Johnson. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- sexual misconduct, e.g. 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;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues.

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.

The panel noted that there was no evidence that Mr Johnson's actions were not deliberate. In fact, the panel considered that Mr Johnson was well aware of the correct way in which he should conduct himself from his behaviour with another class and he had confirmed that he had received the appropriate annual safeguarding training and read the Safeguarding Policy and School's Code of Conduct.

The panel noted there was no evidence to suggest that Mr Johnson was acting under extreme duress.

The panel noted there was very limited evidence to attest to Mr Johnson's history or ability as a teacher. Nor was any evidence submitted which demonstrates exceptionally high standards in both personal and professional conduct or that Mr Johnson contributed significantly to the education sector.

The panel noted that no mitigation evidence had been submitted by Mr Johnson for the panel to consider. The panel considered the very limited mitigation evidence available to them that was contained in the bundle. The panel noted the Year 11's statement that had been taken as part of the School's investigation where the pupil commented that Mr Johnson was a "good teacher". The panel also considered the reference [REDACTED]

that had been obtained by the School when Mr Johnson applied for the role. Lastly, the panel noted that the School had employed Mr Johnson after he had initially worked at the School as a supply teacher.

The panel also considered that Mr Johnson had shown a lack of insight or remorse both during the School's investigation and police interview and during this process. The panel noted that even when Mr Johnson accepted that he had done something in the School's investigation and/or police interview he still did not show any insight to the gravity of the language used, the fact that the behaviour was highly unacceptable or any remorse towards the pupils.

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 the teacher of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Johnson. The panel noted that the harmful impact that Mr Johnson's behaviour may have had on the pupils together with his lack of insight or remorse were significant factors in forming that opinion. Accordingly, the panel makes 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. The panel found that Mr Johnson's behaviour did not fall into this category.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that Mr Johnson's behaviour did not fall into this category.

Nevertheless, the panel noted the fact that Mr Johnson had repeatedly behaved inappropriately over a series of time and this could have had a lasting impact on the pupils particularly given that they were impressionable teenage girls. The panel also

noted the importance of maintaining public confidence in the profession when considering a review period.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a four year 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 a number of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Joseph Johnson should be the subject of a prohibition order, with a review period of four years.

In particular, the panel has found that Mr Johnson 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
 - showing tolerance of and respect for the rights of others
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 Johnson fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious, “The panel noted that some of his misconduct was of a sexual nature and teenage girls who become familiar with such language may become vulnerable to exploitation or abuse.”

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

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, “that Mr Johnson’s behaviour with the allegations that have been proven demonstrate that he did not have regard for the very clear ethos and policies of his School.” The panel also commented, “that the School was a single sex girl’s school. Mr Johnson engages in sexualised language directed at his students which heightens the misconduct.” 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 also considered that Mr Johnson had shown a lack of insight or remorse both during the School’s investigation and police interview and during this process. The panel noted that even when Mr Johnson accepted that he had done something in the School’s investigation and/or police interview he still did not show any insight to the gravity of the language used, the fact that the behaviour was highly unacceptable or any remorse towards the pupils.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils’. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Johnson was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful that, “The panel noted the highly influential role that teachers have in

pupils' lives and the trust that parents put in those teachers when sending their children to school.”

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 Johnson himself, the panel comment, “The panel noted there was very limited evidence to attest to Mr Johnson’s history or ability as a teacher. Nor was any evidence submitted which demonstrates exceptionally high standards in both personal and professional conduct or that Mr Johnson contributed significantly to the education sector.” A prohibition order would prevent Mr Johnson from teaching and clearly deprive the public of his contribution to the profession for the period that it is in force.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Johnson 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 a four year review period.

I have considered the panel’s comments “the panel noted the fact that Mr Johnson had repeatedly behaved inappropriately over a series of time and this could have had a lasting impact on the pupils particularly given that they were impressionable teenage girls. The panel also noted the importance of maintaining public confidence in the profession when considering a review period.”

I have considered whether a four year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I believe that a four year review period is appropriate to achieve the aim of maintaining public confidence in the profession, due to the lack of

insight or remorse, the inappropriate behaviour was over a period of time and the lasting impact Mr Johnson's behaviour could have on the pupils.

I consider therefore that a four year review period is required to satisfy the maintenance of public confidence in the profession

This means that Mr Joseph Johnson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 31 January 2027, four years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Johnson remains prohibited from teaching indefinitely.

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

Mr Johnson 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.



Decision maker: John Knowles

Date: 25 January 2023

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