



Teaching
Regulation
Agency

Mr Stephen Robinson: Professional conduct panel meeting 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 Stephen Robinson
Teacher ref number:	0851175
Teacher date of birth:	11 February 1986
TRA reference:	20231
Date of determination:	30 January 2023
Former employer:	Woodlands School, Birmingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 30 January 2023 remotely via Microsoft Teams, to consider the case of Mr Robinson.

The panel members were Ms Caroline Downes (lay panellist – in the chair), Mr Paul Millett (lay panellist) and Ms Susanne Staab (teacher panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan 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 Robinson that the allegation be considered without a hearing. Mr Robinson provided a signed statement of agreed facts and admitted a conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer or Mr Robinson.

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 17 January 2023.

It was alleged that Mr Robinson was guilty of having been convicted of a relevant offence, in that on 22 October 2021 at Birmingham Crown Court he was convicted of:

1. 1 count of attempting or engaging in sexual communication with a child pursuant to the Sexual Offences Act 2003 s.15A (1).
2. 1 count of attempting, causing or inciting a female child under 16 to engage in a sexual act pursuant to the Sexual Offences Act 2003 s.10 (1) (a).

Mr Robinson accepts the allegation in its entirety.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 5

Section 2: Statement of agreed facts – pages 6 to 8

Section 3: Teaching Regulation Agency documents – pages 9 to 345

Section 4: Teacher documents – pages 346 to 367

A separate document being the Notice of Meeting dated 17 January 2023 was also viewed.

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 Robinson on 14 November 2022.

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 Robinson for the allegation 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 Robinson had been employed at Woodland School ("the School") since 1 September 2020, as a teacher. On 12 July 2021, Mr Robinson engaged in a conversation in an online chatroom with an individual identifying themselves as a 13-year-old girl. That individual was in fact, a police officer. On 19 August 2021, Mr Robinson was arrested. On 28 September 2021, Mr Robinson pleaded guilty and was convicted in relation to each count (as set out in the allegation). On 22 October 2021, Mr Robinson was sentenced. In relation to count 1, he received a 9-month term of imprisonment, suspended for 24 months. In relation to count 2, he received a 24-month term of imprisonment, suspended for 24 months. The sentences are to be served concurrently. In addition, Mr Robinson was required to complete a rehabilitation programme, was made subject to a Sexual Harm Prevention Order for 5 years and required to sign the Sex Offenders Register for 10 years.

Findings of fact

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

You are guilty of relevant offences in that on 22 October 2021 at Birmingham Crown Court you were convicted of:

- 1. 1 count of attempting or engaging in sexual communication with a child pursuant to the Sexual Offences Act 2003 s.15A (1).**
- 2. 1 count of attempting, causing or inciting a female child under 16 to engage in a sexual act pursuant to the Sexual Offences Act 2003 s.10 (1) (a).**

The allegation was admitted and was supported by evidence presented to the panel within the bundle. In particular, the panel accepted the certificate of conviction as proof of the commission of the offences. Therefore, the allegation was found proved.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proven allegation amounted to a conviction of a relevant offence.

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

The panel was satisfied that the conduct of Mr Robinson in relation to the facts it found proved involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Robinson 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 noted that the behaviour involved in committing the offence could have had an impact on the safety of pupils and/or members of the public.

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

The panel noted that Mr Robinson's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case involving an offence of sexual communication with a child, that resulted in a suspended term of imprisonment. The Advice states is likely to be considered a relevant offence.

The panel considered evidence of mitigating circumstances. The evidence showed that Mr Robinson had an unblemished and excellent record as a teacher. The conduct that resulted in the conviction was a one-off incident, which took place outside of school, with

no evidence of repetition. However, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Robinson's ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. 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 striking the right balance between the right of the teacher and the public interest.

In the light of the panel's findings against Mr Robinson, which involved a conviction for a relevant offence, resulting in a suspended prison sentence, there was a strong public interest consideration in respect of the protection of pupils given the nature of the offence.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Robinson 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 Robinson was outside that which could reasonably be tolerated.

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, considering the effect that this would have on Mr Robinson.

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

Robinson. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- Sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature...

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.

Mr Robinson's actions were deliberate in nature and there was no evidence to suggest that he was acting under duress. However, the panel considered the significant personal and family matters that arose around the time of Mr Robinson's conduct. Mr Robinson was previously of good character and the panel saw professional references that demonstrated that Mr Robinson was a strong and effective teacher.

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 Robinson 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 Robinson. The conviction of a serious offence 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 include any sexual misconduct involving a child. The panel found that Mr Robinson had been convicted of a sexual offence relating to a child, which indicates there should be no review period.

The panel noted that Mr Robinson had fully accepted his conduct and has demonstrated some insight into his behaviour.

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

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Robinson 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 finds that the conduct of Mr Robinson fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a sexual offence related to a child.

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Robinson, which involved a conviction for a relevant offence, resulting in a suspended prison sentence, there was a strong public interest consideration in respect of the protection of pupils given the nature of the offence." 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 noted that Mr Robinson had fully accepted his conduct and has demonstrated some insight into his behaviour." 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 wellbeing of pupils'. I have therefore given this element weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel 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 striking the right balance between the right of the teacher and the public interest." I am particularly mindful of the finding of a sexual offence related to a child in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Robinson himself and the panel comment “Mr Robinson's actions were deliberate in nature and there was no evidence to suggest that he was acting under duress. However, the panel considered the significant personal and family matters that arose around the time of Mr Robinson's conduct. Mr Robinson was previously of good character and the panel saw professional references that demonstrated that Mr Robinson was a strong and effective teacher.”

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

In this case, I have placed considerable weight on the panel's comments “The panel considered evidence of mitigating circumstances. The evidence showed that Mr Robinson had an unblemished and excellent record as a teacher. The conduct that resulted in the conviction was a one-off incident, which took place outside of school, with no evidence of repetition. However, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Robinson's ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.”

I have also placed considerable weight on the finding “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 Robinson. The conviction of a serious offence was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Robinson 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 insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include any sexual misconduct involving a child. The panel found that Mr Robinson had been convicted of a sexual offence relating to a child, which indicates there should be no review period."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and lack of evidence of full insight.

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

This means that Mr Stephen Robinson 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 Robinson shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Stephen Robinson has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 1 February 2023

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