



Teaching
Regulation
Agency

Mr Jason Steel: Professional conduct panel meeting outcome

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

April 2023

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

Teacher: Mr Jason Steel

Teacher ref number: 1034673

Teacher date of birth: 29 July 1988

TRA reference: 19309

Date of determination: 12 April 2023

Former employer: Retford Oaks Academy, Retford.

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 12 April 2023 by way of a virtual hearing, to consider the case of Mr Jason Steel.

The panel members were Ms Christine Cuniffe (teacher panellist – in the chair), Ms Emma Moir (lay panellist) and Mr Ronan Tyrer (lay panellist).

The legal adviser to the panel was Ms Alexandra Byard of Eversheds Sutherland (International) LLP.

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 Steel that the allegations be considered without a hearing. Mr Steel provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Chantelle Browne or Mr Jason Steel.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 26 January 2023.

It was alleged that Mr Steel was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute whilst a teacher at Retford Oaks Academy in that:

1. On or around 5 December 2019, he failed to report a serious safeguarding disclosure made to him regarding Pupil A within 24 hours;
2. On or around 9 December 2019, he failed to provide sufficient information in his "My Concern Report" to reflect the seriousness of the disclosure outline in paragraph 1;
3. On or around 9 December 2019, he spoke to Pupil B concerning the disclosure after the Police became involved in the investigation when he knew or ought to have known that it was not appropriate to do so.

Mr Steel admitted both the facts of the allegations and that his actions amounted to unacceptable professional conduct and conduct that would bring the profession into disrepute.

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 1 to 2

Section 2: Notice of referral, response and Notice of Meeting – pages 3 to 15

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 16 to 21

Section 4: Teaching Regulation Agency documents – pages 22 to 123

Section 5: Documents Received from Retford Oaks Academy – pages 124 to 322

Section 6: Documents Received from Nottinghamshire Police – pages 323 to 324

Section 7: Teacher documents – pages 325 to 329

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 Steel on 30 September 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 Steel for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case. This was reviewed during the Meeting and the panel confirmed that it was not in the interests of justice or in the public interest to adjourn and for the case to be considered at a hearing.

Mr Jason Steel had been employed at Retford Oaks Academy since 1 September 2017 as a teacher of PE and SENCO. Mr Steel was also a Designated Safeguarding person. On or around 5 December 2019, it is alleged that Mr Jason Steel failed to report a serious safeguarding disclosure made to him regarding Pupil A within 24 hours. On or around 9 December 2019, it is alleged that Mr Jason Steel failed to provide sufficient information in his "My Concern Report" to reflect the seriousness of the disclosure made by Pupil A. On or around 9 December 2019, it is alleged that Mr Jason Steel spoke to Pupil B concerning the disclosure after the Police became involved in the investigation when he knew or ought to have known that it was not appropriate to do so. Mr Steel was dismissed from Retford Oak Academy on 11 March 2020 for Gross Misconduct.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 5 December 2019, you failed to report a serious safeguarding disclosure made to you regarding Pupil A within 24 hours;**
- 2. On or around 9 December 2019, you failed to provide sufficient information in your "My Concern Report" to reflect the seriousness of the disclosure outline in paragraph 1;**
- 3. On or around 9 December 2019, you spoke to Pupil B concerning the disclosure after the Police became involved in the investigation when you knew or ought to have known that it was not appropriate to do so.**

In response to the notice of referral of the allegations, Mr Jason Steel admitted both the facts of the allegations and that his actions amount to unacceptable professional conduct and conduct that would bring the profession into disrepute.

On 30 September 2022, in a statement of agreed facts, Mr Steel admitted the allegations and admitted that each of the allegations amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel considered the evidence in the bundle, and in particular the chronology of the My Concern logs, and found that based on these, and Mr Steel's admissions the allegations proven.

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

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

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

The panel was satisfied that the conduct of Mr Steel, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Steel 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
 - 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, and maintain high standards.
 - Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel referred to guidance including Keeping Children Safe In Education (“KCSIE”), Working Together to Safeguard Children and the Multi-Agency Guidance Nott Children's Services Safeguarding & Child Protection Policy 2019. The panel was satisfied that the conduct of Mr Steel fell significantly short of the standard of behaviour expected of a teacher. The panel considered the definition contained in paragraph 21 of the Advice and noted that the misconduct was of a serious nature, falling significantly short of the standard of behaviour expected of a teacher.

Accordingly, the panel was satisfied that Mr Steel was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 panel drew upon their knowledge, skills and experience and considered that the findings of misconduct were serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel noted that the Advice is not intended to be exhaustive and there may be other behaviours that panels consider to be “conduct that may bring the profession into disrepute”. In particular, the panel considered that allegations 2 and 3 showed particularly poor judgement by Mr Steel.

The panel considered that Mr Steel's conduct could potentially damage the public's perception of a teacher.

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

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

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the

behaviour and any mitigation offered by Mr Steel and whether a prohibition order is necessary and proportionate. 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 /the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Steel, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious nature of the disclosure made. The panel considered that the delay in Mr Steel reporting the disclosure, and the subsequent reactive manner in the way in which he responded, showed a lack of regard to statutory guidance.

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

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

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour following the failure to report the disclosure also lacked duty of care to Pupil A and Pupil B and the panel had no evidence before them as to Mr Steel's remorse and insight as the consequences of failing to report the disclosure.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;

- failure to act on evidence that indicated a child's welfare may have been at risk, eg, failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;

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)

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher/whether there were mitigating circumstances.

In the light of the panel's findings, the panel considered that Mr Steel showed lack of insight for the potential risks to Pupil A and/or Pupil B and that, taking into account the nature and severity of the disclosure, there was no evidence before the panel to suggest that Mr Steel was acting under extreme duress, eg a physical threat or significant intimidation and, in fact, he assumed that someone else had reported the safeguarding concern.

The panel acknowledged that Mr Steel sought support for his [REDACTED] between 2019 and 2020 and considered the letters from the [REDACTED]. The panel also reviewed the character reference provided by an [REDACTED].

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 prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Steel. The safeguarding concerns and the responsibility/experience of Mr Steel as a Designated Safeguarding Person were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The panel found that there was lack of evidence of remorse and insight by Mr Steel and that Mr Steel should be afforded time to reflect in a meaningful way as to the consequences his failure to report might have caused to Pupil A and Pupil B. The panel considered that allowing a review period for Mr Steel to reflect on his conduct objectively, rather than from an adversarial viewpoint, would be a fair outcome for Mr Steel and the public.

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 review period (in which the panel considered 3 years appropriate).

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Steel 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
 - 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, and maintain high standards.
 - Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel observed, "The panel referred to guidance including Keeping Children Safe In Education ("KCSIE"), Working Together to Safeguard Children and the Multi-Agency Guidance Nott Children's Services Safeguarding & Child Protection Policy 2019. The panel was satisfied that the conduct of Mr Steel fell significantly short of the standard of behaviour expected of a teacher. The panel considered the definition contained in paragraph 21 of the Advice and noted that the misconduct was of a serious nature, falling significantly short of the standard of behaviour expected of a teacher."

The findings of misconduct are particularly serious as they include a finding of failing to report a serious safeguarding disclosure regarding pupil A within 24 hours.

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 Steel, 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, "The panel considered that the delay in Mr Steel reporting the disclosure, and the subsequent reactive manner in the way in which he responded, showed a lack of regard to statutory guidance." 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 a teacher's behaviour following the failure to report the disclosure also lacked duty of care to Pupil A and Pupil B and the panel had no evidence before them as to Mr Steel's remorse and insight as the consequences of failing to report the disclosure." 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Steel were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful that the findings in this case relate to safeguarding, and the impact that such findings have 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 Steel himself, the panel comment "The panel acknowledged that Mr Steel sought support for his [REDACTED] between 2019 and 2020 and considered the letters from the [REDACTED]. The panel also reviewed the character reference provided by an [REDACTED]." A prohibition order

would prevent Mr Steel from teaching and clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "the panel considered that Mr Steel showed lack of insight for the potential risks to Pupil A and/or Pupil B and that, taking into account the nature and severity of the disclosure, there was no evidence before the panel to suggest that Mr Steel was acting under extreme duress, eg a physical threat or significant intimidation and, in fact, he assumed that someone else had reported the safeguarding concern."

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

I have considered the panel's comments "The panel found that there was lack of evidence of remorse and insight by Mr Steel and that Mr Steel should be afforded time to reflect in a meaningful way as to the consequences his failure to report might have caused to Pupil A and Pupil B. The panel considered that allowing a review period for Mr Steel to reflect on his conduct objectively, rather than from an adversarial viewpoint, would be a fair outcome for Mr Steel and the public."

I have considered whether a three 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, factors mean that allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the risk of repetition in relation to safeguarding concerns and the lack of either insight or remorse.

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

This means that Mr Jason Steel 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 19 April 2026, three 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 Steel remains prohibited from teaching indefinitely.

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

Mr Steel 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 'John Knowles', written in a cursive style.

Decision maker: John Knowles

Date: 14 April 2023

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