



Teaching  
Regulation  
Agency

# **Mr Steven Alcorn: Professional conduct panel outcome**

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

**August 2023**

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

<b>Teacher:</b>	Mr Steven Alcorn
<b>Teacher ref number:</b>	0641151
<b>Teacher date of birth:</b>	1 April 1970
<b>TRA reference:</b>	18012
<b>Date of determination:</b>	2 August 2023
<b>Former employer:</b>	Eastwood Academy, Leigh-on-Sea

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means, to consider the case of Mr Steven Alcorn.

The panel members were Ms Penny Griffith (lay panellist – in the chair), Ms Hannah Foster (teacher panellist) and Mr Clive Ruddle (lay panellist).

The legal adviser to the panel was Miss Shanie Probert of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson solicitors.

Mr Steven Alcorn was not present and was not represented at the hearing.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 2 June 2023.

It was alleged that Mr Steven Alcorn was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at the Eastwood Academy, he:

1. In or around August 2018, whilst on a school residential trip, failed to maintain appropriate professional boundaries with one or more pupils by allowing one or more pupils to plait his hair on one or more occasions, including whilst he was in the female pupils' dormitory;
2. Between 1 September 2018 and 12 December 2018, made inappropriate physical contact with one or more pupils during lessons on one or more occasions, including by:
  - a. In relation to Pupil A:
    - i. Touching Pupil A's hair and/or putting Pupil A's hair behind her ears and/or massaging her scalp;
    - ii. Touching Pupil A's upper arm/shoulder;
    - iii. Placing his hand on top of Pupil A's hand;
    - iv. Stroking/touching Pupil A's thigh;
  - b. In relation to Pupil B:
    - i. Placing his hand(s) on Pupil B's head and/or whilst moving his hand(s) over Pupil B's head, asking her 'this is comfortable', or words to that effect;
    - ii. Touching Pupil B's hair and/or whilst touching Pupil B's hair asking Pupil B 'is that helping', or words to that effect;
    - iii. Touching Pupil B's head with a meter ruler;
    - iv. Nudging Pupil B with his hip;
    - v. Rubbing/touching Pupil B's back;
    - vi. Touching Pupil B's hand;
    - vii. Rubbing/touching Pupil B's thigh;
  - c. In relation to Pupil C:
    - i. Touching Pupil C's hair;
    - ii. Rubbing/touching Pupil C's back;
    - iii. Placing his hand on top of Pupil C's hand and/or touching Pupil C's hand;

- iv. Touching Pupil C's thigh;
  - d. In relation to Pupil D, touching Pupil D's hand;
  - e. In relation to Pupil E, touching Pupil E's hand;
3. Between 1 September 2018 and 12 December 2018, during lessons, failed to maintain appropriate professional boundaries with one or more pupils and/or failed to treat one or more pupils with dignity, on one or more occasions, including by:
- a. Referring to one or more pupils as 'babe', 'honey' and 'darling';
  - b. Referring to himself as 'daddy';
  - c. Making comments about female menstruation to one or more pupils;
  - d. Making an inappropriate comment about pupil clothing, using words to the effect of 'I am glad that you have to wear trousers because when girls had skirts I would be able to see everything while at my desk';
  - e. Making one or more inappropriate comments to pupils about suicide, including using words to the effect of 'Oh dear, that is bad, you should really commit suicide';
  - f. Throwing an object at Pupil B's head;
  - g. Deliberately knocking one or more pupils' pencil cases off their desks and/or making them pick up their pencil cases;
4. His conduct at allegation 2 above was sexually motivated.

The allegations were not admitted, save for that Mr Alcorn did partially admit the facts set out in allegation 1, allegation 2(b)(ii), allegation 2(b)(iv), allegation 2(b)(vi), allegation 3(a), allegation 3(c), and allegation 3(g).

## Preliminary applications

### Proceeding in absence

The panel considered whether this hearing should continue in the absence of the teacher.

The panel was initially concerned whether the TRA had complied with the service requirements of paragraph 19 (1) (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations"). In particular, the panel considered representations made by the presenting officer, which confirmed that whilst the notice of proceedings had been served within 8 weeks, it had not been served on Mr Alcorn by post. It was only served on Mr Alcorn by email, without Mr Alcorn's prior agreement. There was no evidence that this agreement was sought.

However, the panel also noted that Mr Alcorn's union representative had confirmed by email to the presenting officer that Mr Alcorn had no objection to the fact that the notice

of proceedings was served by email. Therefore, the panel was satisfied that Mr Alcorn was content to proceed on the basis of the notice of proceedings having been served on him and safely received.

The panel considered that the notice of proceedings did not strictly comply with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the “Procedures”). The panel noted that the notice of proceedings had referred to the relevant provisions of the updated Procedures dated May 2020, when it should have referred to the April 2018 Procedures. The presenting officer confirmed that Mr Alcorn’s union representative had been notified of this error, and that Mr Alcorn was content for the hearing to proceed, on the basis that the notice of proceedings had been properly served in accordance with the April 2018 Procedures. The panel was satisfied that both parties were aware that the April 2018 Procedures were the correct procedures to be applied and therefore, the panel was content to proceed.

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from R v Jones that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC1.

- i) The panel was satisfied that the teacher voluntarily waived his right to attend the hearing in the knowledge of when and where the hearing is taking place. The panel considered an email from the Mr Alcorn’s union representative to the TRA dated 15 February 2022, which confirmed that Mr Alcorn did not wish to attend a panel hearing. Mr Alcorn had also requested that the decision of the panel be communicated to the teacher’s union representative at the conclusion of the hearing. The panel also considered later email correspondence from Mr Alcorn’s union representative to the presenting officer, in which it was confirmed that Mr Alcorn did not object to the hearing proceeding in his absence and that Mr Alcorn had waived his right to attend a panel hearing;
- ii) The panel considered that an adjournment would not result in the teacher attending voluntarily, in light of the teacher purposely absenting himself from the hearing;

- iii) The panel noted that Mr Alcorn did have a union representative. The panel was satisfied that Mr Alcorn was aware that his union representative was not attending the hearing, but that the representative was in communication with the presenting officer and the TRA both before and during the hearing. The panel considered that the teacher had not expressed a wish to obtain legal representation in these proceedings;
- iv) The panel recognised that the allegations against the teacher were serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching;
- v) The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged is said to have taken place whilst the teacher was employed at Eastwood Academy. It was recognised that the school will have an interest in this hearing taking place in order to move forwards;
- vi) The panel noted that no witnesses were being called to give evidence, and therefore, it was not necessary to consider the impact of an adjournment upon any witnesses.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of his right to appear, and the fact that an adjournment would not result in the teacher voluntarily attending the hearing, that on balance, these were serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing.

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

### **Amendment of allegations**

An application was made by the presenting officer to amend the notice of proceedings by amending the following:

- i) The removal of the word "including" from allegation 2 and allegation 3; and
- ii) The removal of "Pupil B" from allegation 3(f) and for it to be replaced with "Pupil C".

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

Before making an amendment, the panel is required to consider any representations by the presenting officer and by the teacher, and the parties have been afforded that opportunity. The panel noted that the teacher had consented to the application.

In respect of the first amendment, the panel considered that the amendment proposed did not change the nature, scope or seriousness of the allegations. The panel considered that the amendment made the allegation clearer, by clarifying the scope of the allegation, and was therefore favourable to the teacher. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The panel decided to amend the allegation as proposed.

In respect of the second amendment, the panel was concerned that the amendment proposed altered the scope of the allegations. The amendment would change the factual basis of the allegations, although the panel did consider that the teacher would likely not have presented his case differently had the amendment been made at an earlier stage, on the basis that the allegation had been denied in its entirety. Notwithstanding this consideration, the panel did not consider that it would be in the interests of justice to amend the allegation. The presenting officer had ample opportunity to formulate the allegations in advance of the hearing and to amend the allegations at this stage would have caused unfairness to the teacher.

### **Admission of late documents**

The presenting officer applied to admit 2 documents. Those documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from the presenting officer to the admission of the documents. The panel exercised caution in exercising this discretion given that it had determined to proceed with this hearing in the absence of the teacher.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case insofar as they related to a later application made by the presenting officer to admit the witness evidence of Pupil A as hearsay. In particular, the documents related to Pupil A's reasons for non-attendance at the hearing, which would form part of the panel's deliberations in considering the presenting officer's application. The panel decided that the documents should be admitted.

As part of its deliberations in respect of this application, the panel noted that one of the documents to be admitted as a late document was an email from Pupil A's mother to the presenting officer, setting out Pupil A's reasons for not wanting to attend the hearing and confirming Pupil A's reliance upon the written witness statement. The panel considered that it would be useful to obtain an email from Pupil A's own email account to the presenting officer, setting out these points on her own behalf on the basis that Pupil A had since become an adult. Once the hearing had reconvened, the panel confirmed that



it had received an email from Pupil A as requested. Upon considering the discretion available to the panel under paragraph 4.25 of the Procedures, the panel was satisfied that the document was relevant to the case and decided that the document should also be admitted.

## **Hearsay**

Under paragraph 4.18 of the 2018 Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents are relevant to the case as they relate to the allegations made. In particular:

- The witness statement of [REDACTED];
- The witness statement of Pupil A, and the notes of Pupil A's school interviews were relevant as they related to the allegations made by Pupil A in respect of allegations 2 and 3;
- The notes of the school interviews of Pupil B, Pupil C, Pupil D and Pupil E were relevant as they related to the allegations made by these pupils in respect of allegations 2 and 3; and
- The notes of the police interviews of Pupil A, Pupil B and Pupil C were relevant as they related to the allegations made by these pupils in respect of allegations 2 and 3.

The central question for the panel was whether it was fair in the circumstances to allow evidence to be put forward by the Presenting Officer without the opportunity for the witness to be cross-examined by the teacher.

The panel took account of the efforts made to secure the attendance of the witnesses and concluded that:

- Reasonable efforts appear to have been made in order to secure the attendance of Pupil A. The panel considered that Pupil A's attendance was previously secured but that Pupil A had since made a decision not to attend the hearing. The reason for this was that Pupil A believed that due to the passage of time her memory would no longer be reliable and she did not wish to revisit what had happened. However, Pupil A confirmed that she had stood by her original statement;
- Reasonable efforts appear to have been made in order to secure the attendance of Pupil B, Pupil C, Pupil D and Pupil E. The panel noted that the TRA contacted the pupils' parents but that the pupils did not wish to give evidence; and
- Reasonable efforts were made in order to secure Individual A as a witness, and her attendance was initially secured. However, the panel noted that Individual A changed her mind and no longer wished to attend the hearing [REDACTED];

The panel concluded that there was a reasonable explanation for the non-attendance of Pupil A, Pupil B, Pupil C, Pupil D and Pupil E at the hearing. The panel was disappointed that Individual A had not attended as a witness given her role as [REDACTED].

The panel had regard to the seriousness of the allegations in this case, and that it was open to the panel to recommend prohibition if the allegations were found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the evidence has been provided by key witnesses to the central allegations in this case. However, notwithstanding this, the panel considered that considerable efforts were made to secure the attendance of the witnesses, and the panel has decided that there were sufficient safeguards to protect the teacher against any unfairness caused by being unable to cross-examine the witnesses. The panel in due course would be provided with a hearsay warning, and the panel could determine what weight, if any, it should attach to the evidence.

With regard to the overall question of fairness, the panel took into account the objections made by Mr Alcorn. Given the absence of the teacher, the panel firstly considered whether he had received the documents and had sufficient opportunities to make representations about them. The panel was satisfied that Mr Alcorn had received the documents as part of the hearing bundle. However, the panel noted that as set out in the notice of proceedings, Pupil A was due to be called to give evidence at the hearing. The panel noted that the presenting officer's application to adduce Pupil A's evidence as hearsay was only made on 25 July 2023.

The panel considered that Mr Alcorn would not have been aware of the decision not to call Pupil A as a witness until just before the hearing, and therefore had concerns as to whether Mr Alcorn would have had sufficient time to make representations. The panel noted that Mr Alcorn did provide representations, in which he objected to the panel adducing Pupil A's evidence as hearsay. The panel considered that Mr Alcorn had raised serious concerns as to the veracity of Pupil A's evidence and therefore, he had submitted that it would be unfair to allow Pupil A's evidence to be admitted as hearsay, on the basis that it could not be sufficiently challenged at the hearing.

The panel noted that [REDACTED] was also due to give evidence at the hearing, and that Mr Alcorn would not have been aware of the decision not to call [REDACTED] as a witness until just before the hearing. However, the panel considered representations from the presenting officer which stated that Mr Alcorn did not object to the panel adducing [REDACTED] evidence as hearsay.

The panel noted that there had never been an intention to call Pupil B, Pupil C, Pupil D and Pupil E as witnesses, and that Mr Alcorn would have been aware of this upon receiving the notice of proceedings. The panel also noted that Mr Alcorn did object to the

panel adducing the evidence of pupils as part of the school's investigation as hearsay, due to concerns in respect of the way in which these statements were obtained. However, the panel noted the questions were recorded for the disciplinary hearing and the panel was satisfied that the police interviews were obtained in accordance with the necessary procedures.

The panel noted that it also had sight of CCTV footage which the panel would consider in addition to the witness statements provided.

The panel considered that it was in the interest of justice to admit the evidence, on the basis that it would be unfair to all parties to adjourn the hearing to a later date in order to try to secure the attendance of the witnesses. The panel considered representations from Mr Alcorn, in which he stated that he had understood the need for Pupil A to have a chance to move on in their adult life. The panel considered this as an indication that Mr Alcorn did not wish for the hearing to be adjourned.

By reason of the above, the panel decided to admit each of the documents.

### **Adverse inference to be drawn**

Whilst a formal application was not made, the panel was asked by the presenting officer to consider whether to draw an adverse inference from Mr Alcorn's non-attendance at the hearing. It was noted that Mr Alcorn had provided a written response to the TRA on 5 August 2019, the contents of which were repeated in an un-dated witness statement albeit without addressing some of the allegations in any substantive way. Mr Alcorn had been warned of the potential consequences of an adverse inference being drawn in the notice of proceedings. The panel noted that teaching professionals have a responsibility to cooperate fully with the TRA. The panel considered the personal reasons provided by Mr Alcorn for his non-attendance, [REDACTED]. The panel noted that no documentary evidence had been provided in support of Mr Alcorn's reasons for his non-attendance. The panel therefore drew an adverse inference that he had no further reasonable explanation in response to the allegations made against him, particularly in light of the seriousness of the allegations that were being made against him. The panel continued to draw an adverse inference throughout the hearing.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 6 to 7

Section 2: notice of proceedings and response – pages 9 to 21

Section 3: Teaching Regulation Agency witness statements – pages 23 to 48

Section 4: Teaching Regulation Agency documents – pages 50 to 156

Section 5: Teacher documents – pages 160 to 180

The panel also received CCTV footage in addition to the bundle of documents.

In addition, the panel agreed to accept the following: an email from Pupil A's mother dated 28 July 2023, an email from the teacher's union representative dated 28 July 2023, and an email from Pupil A dated 31 July 2023.

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

## **Witnesses**

The panel did not hear any oral evidence at the hearing.

## **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 Alcorn had been employed at Eastwood Academy since 21 April 2014 as a teacher. On 11 December 2018 Mr Alcorn disclosed safeguarding concerns about himself (having heard them from a third party) to Individual A at Eastwood Academy. On 18 December 2018 Mr Alcorn was suspended from Eastwood Academy. On 22 January 2019 Mr Alcorn was interviewed by Essex Police. On 19 May 2019 Mr Alcorn attended a disciplinary hearing. An appeal of the disciplinary hearing took place on 14 June 2019.

## **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:

**Whilst employed as a teacher at Eastwood Academy, you:**

- 1. In or around August 2018, whilst on a school residential trip, failed to maintain appropriate professional boundaries with one or more pupils by allowing one or more pupils to plait your hair on one or more occasions, including whilst you were in the female pupils' dormitory.**

The panel considered Mr Alcorn's explanation in response to allegation 1, in which he admitted that he allowed a pupil (Pupil F) to plait his hair whilst on a school residential trip. Mr Alcorn's evidence is that this took place in an open environment where other

teachers and pupils were present. Mr Alcorn's evidence is also that he did not think that this act was inappropriate at the time, however, he now understands that no teacher should have their hair plaited by a student.

The panel considered an unsigned statement provided by Pupil F in support of Mr Alcorn. Pupil F stated that she did take part in plaiting Mr Alcorn's hair on the school residential trip, and that this occurred outdoors, in an open area, where there were other teachers and pupils present. Pupil F's evidence stated that it was not unusual for pupils to plait Mr Alcorn's hair, as this had occurred on previous occasions, for example, on sports day.

The panel noted that Pupil F's evidence was supported by two signed statements made on 8 February 2019, by two male teachers that were present on the school trip. Both teachers stated that they could recall Mr Alcorn having his hair plaited by pupils (which included Pupil F), whilst on the first part of the school trip. Both teachers had also stated that this activity took place outdoors in a communal camping area.

The panel also considered a statement provided in an email dated 19 December 2018 (which was subsequently signed), by a teaching assistant that was present on the school trip. In her evidence, the teaching assistant stated that upon going to the female pupils' dormitory, she had found Mr Alcorn sitting on the floor of the dormitory, having his hair plaited by female pupils. The teaching assistant stated that she had voiced her concerns to two other male teachers who were also present on the trip. The panel noted that the teaching assistant's evidence was contrary to the statements provided by the two male teachers. The panel noted that one of the teachers could only vaguely remember being told this information, and the second teacher could not recall being informed of this by the teaching assistant at all.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, believed it was more likely than not that Mr Alcorn had allowed one or more pupils to plait his hair on at least one occasion, in an open area, whilst attending the school residential trip. The panel is also satisfied that in doing so, the teacher failed to maintain appropriate professional boundaries.

Therefore, the panel found this aspect of allegation 1 proven.

However, the panel considered that there was insufficient evidence to support the aspect of the allegation that Mr Alcorn had allowed one or more pupils to plait his hair whilst in the female pupils' dormitory.

Therefore, the panel found this aspect of allegation 1 not proven.

**2. Between 1 September 2018 and 12 December 2018, made inappropriate physical contact with one or more pupils during lessons on one or more occasions, namely by:**

**a. In relation to Pupil A:**

**i. Touching Pupil A's hair and/or putting Pupil A's hair behind her ears and/or massaging her scalp;**

The panel considered Pupil A's witness statement dated 22 February 2021, in which Pupil A stated that Mr Alcorn had touched her hair. In particular, Pupil A stated that on one occasion, Mr Alcorn had stood behind her whilst speaking to other pupils, and he had started to massage her scalp. Pupil A stated that this was witnessed by other pupils in the classroom.

Pupil A was interviewed by a senior teacher in the presence of Individual A on 13 December 2018. In this interview, Pupil A stated that Mr Alcorn would gently pull her hair, put it behind her ears and rough it up with his fingers. Pupil A stated that this would happen once a week.

Pupil A also attended an interview with Essex Police on 17 January 2019. In this interview, Pupil A stated that Mr Alcorn had gone behind her, flicked her hair up with both of his hands and had run his hands along her hair before flicking it upwards. Pupil A had stated that she did not like this, as she does not let anyone touch her hair.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, considered it was more likely than not that Mr Alcorn had touched Pupil A's hair, and/or had put Pupil A's hair behind her ears, and/or had massaged her scalp on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

**ii. Touching Pupil A's upper arm/shoulder;**

The panel considered Pupil A's witness statement, in which Pupil A stated that Mr Alcorn would always touch her on her right arm in the classroom, and that this had happened for as long as she was taught by Mr Alcorn. Pupil A stated that when this happened she would ask herself why Mr Alcorn felt the need to touch her arm. Pupil A also stated that on one occasion where she was not happy at school, Mr Alcorn had placed his hand on her upper arm (near her shoulder), and had kept his hand there for around two seconds.

Pupil A was interviewed by Individual A on 11 December 2018. In this interview, Pupil A had stated that on one occasion during the first week of school, Mr Alcorn had put his hand on her arm and rubbed it. Pupil A stated that she did not like the way it felt.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, considered it was more likely than not that Mr Alcorn had touched Pupil A's upper arm/shoulder on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

**iii. Placing your hand on top of Pupil A's hand;**

The panel considered Pupil A's witness statement, in which Pupil A stated that Mr Alcorn used to touch her on her hand. In the statement, Pupil A provided an example of this

where, if she needed help, Mr Alcorn would sit down beside Pupil A and would put his own hand over Pupil A's hand on top of the desk. Pupil A stated that she was shocked by this and did not know what to do.

Pupil A's witness statement also provided another example, where Mr Alcorn would put his right hand on top of Pupil A's right hand whilst using his left hand to point at the board in the classroom. Pupil A stated that Mr Alcorn would keep his hand there for around 15 seconds. Pupil A stated that she felt uncomfortable and confused, and that she would purposely lift or move her hand, or use it to write a note so that it was hard for Mr Alcorn to touch it. Pupil A stated that once Mr Alcorn had finished touching her hand he would get up and walk away, and he would speak to Pupil A as if nothing had happened.

In her statement to Individual A, Pupil A stated that she was taught by Mr Alcorn twice a week, and that Mr Alcorn would touch her hand at least once a week, every week. Pupil A stated that sometimes Mr Alcorn had held her hand rather than placing his hand on top of it. Pupil A had stated that this made her feel uncomfortable.

In her police interview, Pupil A stated that the first incident of physical contact from Mr Alcorn was when Mr Alcorn had touched her hand. Pupil A stated that in class, Mr Alcorn would take her pen out of her hand and would then clasp her hand palm-to-palm through her fingers, whilst saying inspirational things to her. Pupil A stated that he would do this on a weekly basis and that none of the other teachers would ever touch her hand.

The panel considered the notes of Pupil B's interview by Individual A on 11 December 2018, where Pupil B stated that Mr Alcorn had touched Pupil A's hand.

The panel also considered the notes of Pupil E's interview by Individual A on 11 December 2018, in which Pupil E stated that she had witnessed Mr Alcorn touch Pupil A's hand.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, considered it was more likely than not that Mr Alcorn had touched Pupil A's hand on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

#### **iv. Stroking/touching Pupil A's thigh;**

In her witness statement, Pupil A stated that Mr Alcorn had once touched her thigh during a lesson. Pupil A stated that Mr Alcorn had crouched down to help Pupil A with her fractions, and that upon taking his pen out, he had touched Pupil A's right thigh. Pupil A stated that Mr Alcorn touched her inner thigh with his left hand, and that he had ran it up her thigh. Pupil A also reported this in her police interview, in which she stated that she was shocked and did not know what to do.

In her witness statement, Pupil A stated that Mr Alcorn had reached her mid-inner thigh, in between her knee and her hips. Pupil A stated that this made her feel uncomfortable

and anxious. Pupil A had also stated that she had jumped when Mr Alcorn had touched her, and that Mr Alcorn had reacted by saying “*sorry darling*” and had carried on helping her with her work. Pupil A stated that she then turned to Pupil C to say something to the effect of: “*oh my God, you’re not going to believe what just happened*”. Pupil A stated that she would speak to Pupil C every time Mr Alcorn had touched her thigh.

In her interview with the senior teacher (in the presence of Individual A), Pupil A stated that Mr Alcorn had knelt down and touched the inside of her thigh in the second week of school. The notes from the interview state that Pupil A had shown both the senior teacher and Individual A where Mr Alcorn had touched her, and that Pupil A had placed her hand on the middle of the thigh and on the inside of her leg. Pupil A also stated that Mr Alcorn’s thumb had moved back and forwards.

In her statement to Individual A, Pupil E also stated that Pupil A had told her that Mr Alcorn had touched Pupil A’s thigh.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, considered it was more likely than not that Mr Alcorn had touched/stroked Pupil A’s thigh on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

The panel considered Mr Alcorn’s written responses to allegation 2(a), and also his representations in the school disciplinary hearing that took place on 10 May 2019. The panel notes that Mr Alcorn has denied ever having physical contact with Pupil A. The panel also considered the witness statement of Individual A, in which Individual A recalls how Mr Alcorn had first spoken to her having heard some of the allegations that were being made against him from another staff member. Individual A stated that Mr Alcorn had made a reference to the fact that Pupil A had 12 outstanding pieces of homework, which would potentially result in a detention, and that he had wondered if Pupil A’s comments were in relation to this. The panel noted Mr Alcorn’s view is that he was being vilified by students with a grudge against him.

The panel considered whether the allegations made by Pupil A were likely to have been fabricated as a result of overdue homework and/or a grudge against Mr Alcorn.

The panel considered Pupil A’s comments in the police interview, in which she stated that she was not reporting these allegations maliciously. The panel also considered the signed statement of Mr Alcorn’s colleague, in which he could not recall having a discussion with Mr Alcorn about outstanding homework, and that he did not set any homework tasks himself as the school was trialling a new online maths system.

The panel also noted that the statements made by Pupil A in her witness statement, her interviews with Individual A and senior teacher, and her interview with the police were consistent in relation to all of the allegations at allegation 2(a).



The panel also considered the witness evidence of Individual A, who stated that during the interview, Pupil A was uncomfortable to be discussing the allegations. Individual A stated that Pupil A was quite tearful and she was crying.

The panel also noted that Pupil A's evidence was supported by that of other pupils, in particular, the statements made by Pupil B and Pupil E in their interviews with Individual A and the senior teacher.

The panel concluded that it was unlikely that Pupil A had fabricated her evidence as a result of outstanding homework and/or a grudge against Mr Alcorn.

Given the similarities in the accounts of Pupil A, Pupil B and Pupil E, the panel also considered the possibility of collusion. It was apparent from the evidence that Pupil A, Pupil B and Pupil E knew each other and had discussed allegations against Mr Alcorn whilst in class. The panel concluded, however, taking into the account: (i) the seriousness of the allegations made and in formal settings, (ii) the emotional impact on the pupils as witnessed by Individual A, (iii) the fact that whilst the statements were consistent, there were enough subtle differences in the accounts for the panel to conclude that it was unlikely that Pupil A, Pupil B and Pupil E had colluded in respect of the allegations.

The panel found allegation 2(a) proven in its entirety.

**b. In relation to Pupil B:**

**i. Placing your hand(s) on Pupil B's head and/or whilst moving your hand(s) over Pupil B's head, asking her 'is this comfortable', or words to that effect;**

In her statement to Individual A on 11 December 2018, Pupil B stated that Mr Alcorn had put his hands on her head. Pupil B also stated that on one particular occasion, whilst in the ICT suite, Mr Alcorn had put his hands on Pupil B's head and started to move them. Pupil B stated that Mr Alcorn had asked "*is it comfortable?*" and that Pupil B did not know what to say. Pupil B stated that she wanted to tell Mr Alcorn to "*get off*", but she said nothing as she knew he would tell her off.

The panel considered that it was more likely than not that Mr Alcorn had touched placed his hand(s) on Pupil B's head and/or whilst moving his hand(s) over Pupil B's head had asked her "is this comfortable" or words to that effect, on one or more occasions. The panel is satisfied that this amounted to inappropriate physical contact.

The panel found allegation (2)(b)(i) proven.

**ii. Touching Pupil B's hair and/or whilst touching Pupil B's hair asking Pupil B 'is that helping', or words to that effect;**

In her statement to Individual A, Pupil B stated that during a lesson in the IT suite, Mr Alcorn had got his two hands, had started roughing up her hair and had asked her “*is this helping?*”. Pupil B stated that this has happened twice.

Pupil B attended an interview with Essex Police on 18 January 2019. In the interview, Pupil B stated that she did not feel that this act was sexual, and that she thought that Mr Alcorn was trying to be helpful or funny.

The panel viewed the CCTV footage dated 6 December 2018, which showed one of Mr Alcorn’s lessons in the IT suite. The panel was satisfied that the CCTV footage did show Mr Alcorn touching Pupil B’s hair or head on two separate occasions.

The panel considered the witness statement of Pupil A, in which Pupil A stated that Mr Alcorn would play with Pupil B’s hair a lot, and would say things like “*it looks nice, I like it the way it is.*”

The panel also considered the comments made by Mr Alcorn in the school disciplinary hearing. Mr Alcorn admitted that he had tapped Pupil B on the head in the IT suite because Pupil B had said the correct answer to him but had then clicked the wrong answer on the computer.

The panel considered that it was more likely than not that Mr Alcorn had touched Pupil B’s hair and/or whilst touching Pupil B’s hair had asked Pupil B “is that helping”, or words to that effect, on one or more occasions. The panel is satisfied that this amounted to inappropriate physical contact.

The panel found allegation 2(b)(ii) proven.

#### **iv. Nudging Pupil B with your hip;**

The panel has not had sight of any written evidence in which Pupil B makes or refers to this allegation. However, the panel has reviewed the CCTV footage dated 6 December 2018, and is satisfied that it does show that Mr Alcorn had nudged Pupil B with his hip.

The panel also considered that Mr Alcorn has accepted that he did nudge Pupil B with his hip.

The panel considered that it was more likely than not that Mr Alcorn had nudged Pupil B with his hip.

The panel found allegation 2(b)(iv) proven.

#### **v. Rubbing/touching Pupil B’s back;**

The panel has not had sight of any written evidence in which Pupil B makes or refers to this allegation. However, the panel reviewed the CCTV footage dated 8 December 2018, and was satisfied that this did show that Mr Alcorn had touched Pupil B’s back.

The panel considered Mr Alcorn's response to this which stated that he had only nudged Pupil B's chair. However, the panel also considered the statements made to Individual A by both Pupil C and Pupil D. Both Pupil C and Pupil D had stated that Mr Alcorn had touched or rubbed pupils' backs on more than one occasion. The panel considered that Mr Alcorn had exhibited a certain pattern of behaviour and found it more likely than not that Mr Alcorn had rubbed/touched Pupil B's back. The panel was satisfied that this amounted to inappropriate physical contact.

The panel found allegation 2(b)(v) proven.

**vi. Touching Pupil B's hand;**

In her statement to Individual A, Pupil B stated that Mr Alcorn had touched her hand and that he had also put his hands on top of her hand.

In her police interview, Pupil B stated that Mr Alcorn had put his hand on her hand when she was using a computer mouse. Pupil B stated that she felt this was sexual and that it made her feel very uncomfortable.

The panel also considered Pupil A's statement to Individual A, where Pupil A had stated that Mr Alcorn had put his hand on top of the hands of "other girls". Pupil A referred to Pupil B by name as being one of these other pupils.

In his written response to the allegations, Mr Alcorn admitted that he had touched Pupil B's hand, but stated that this was to navigate the computer mouse when using the excel worksheet in the IT room. In the school disciplinary hearing, Mr Alcorn stated that he may have guided a mouse, which Pupil B's hand may have been on at the time, as he was helping her out with an answer to a question.

The panel considered that it was more likely than not that Mr Alcorn had touched Pupil B's hand on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

The panel found allegation 2(b)(vi) proven.

**vii. Rubbing/touching Pupil B's thigh;**

In her statement to the senior teacher and Individual A, Pupil B stated that Mr Alcorn touched the top of her thigh when he had been sitting next to her helping her with a question.

Pupil B repeated this in her police interview and stated that she felt this was sexual and that it made her feel uncomfortable. Pupil B stated that she did not say anything at the time as she felt she would get told off.

The panel noted that this allegation was denied by Mr Alcorn.

The panel considered the witness statement from Individual A. Individual A stated that during her interview with Pupil B on 11 December 2018, Pupil B was not crying and was very matter of fact. However, Individual A stated that it did not surprise her that Pupil B was not upset as every child reacts differently in these situations. The panel also considered Pupil B's police interview and noted that Pupil B had said that she had not made up any of the allegations in order to get Mr Alcorn into trouble and that she would never lie about any of it as she knows that she would get into trouble herself if she did this.

The panel considered the evidence from Pupil A and noted that Mr Alcorn appeared to focus his attention on Pupil B in class. The panel considered that they had observed a pattern of behaviour from the teacher in relation to Pupil B.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, considered it was more likely than not that Mr Alcorn had stroked/touched Pupil B's thigh on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

The panel found allegation 2(b)(vii) proven.

### **c. In relation to Pupil C:**

#### **i. Touching Pupil C's hair;**

Pupil C attended an interview with Essex Police on 17 January 2019. In the interview, Pupil C stated that the first incident of physical contact from Mr Alcorn involved Mr Alcorn touching her hair. Pupil C stated that Mr Alcorn had picked up her hair and had pulled it across her face. Pupil C stated that she did not think that this was sexual, but that she found it very strange.

The panel also considered the witness statement of Pupil A, in which Pupil A stated that Mr Alcorn used to touch Pupil C's hair and that Pupil A had "*never seen anyone look more uncomfortable*". The panel noted that this allegation was denied by Mr Alcorn.

The panel considered it more likely than not that Mr Alcorn had touched Pupil C's hair on one or more occasion. The panel was satisfied that this amounted to inappropriate physical contact.

The panel found allegation 2(c)(i) proven.

#### **ii. Rubbing/touching Pupil C's back;**

In her interview with Individual A, Pupil C stated that Mr Alcorn had rubbed her back on more than one occasion.

The panel also considered the statement provided to Individual A by Pupil D, in which Pupil D stated that Mr Alcorn would touch other pupils' backs in class.

Individual A stated in her witness statement that she could see that Pupil C was having difficulty during the interview that took place on 11 December 2018. Individual A stated that Pupil C had tears welling up, although she was not crying, and that she had constantly dabbed at her eyes. The panel noted that this allegation was denied by Mr Alcorn.

The panel considered it was more likely than not that Mr Alcorn had rubbed/touched Pupil C's back on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

The panel found allegation 2(c)(ii) proven.

### **iii. Placing your hand on top of Pupil C's hand and/or touching Pupil C's hand;**

In her interview with Individual A, Pupil C stated that Mr Alcorn had touched her hand more than once, including to stop her from writing. Pupil C recalled one occasion where she was crying and Mr Alcorn had kept touching her hand.

In her interview with the police, Pupil C stated that there was one incident where Mr Alcorn had told them to stop writing, but Pupil C had carried on. Pupil C stated that Mr Alcorn came up to her and took her pen out of her hand and held her hand to prevent her from writing. Pupil C also stated that whilst Mr Alcorn was holding the top of her hand he rubbed her hand with his thumb. Pupil C stated that she felt this was sexual.

The panel also considered the statement made by Pupil A in her interview with Individual A, in which Pupil A stated that Mr Alcorn had put his hand on the hands of "other girls", and one of those pupils is named as Pupil C.

The panel noted that this allegation was denied by Mr Alcorn.

The panel considered it was more likely than not that Mr Alcorn had placed his hand on top of Pupil C's hand and/or had touched Pupil C's hand, on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

The panel found allegation 2(c)(iii) proven.

### **iv. Touching Pupil C's thigh;**

In her statement to the senior teacher and Individual A, Pupil C stated that she was sitting down at her desk when Mr Alcorn touched her thigh for a couple of seconds. The senior teacher noted that Pupil C showed how Mr Alcorn had placed his hand on the middle of her thigh and had moved his hand up and down. Pupil C stated that she had told Pupil A that she did not like it and that it had made her feel uncomfortable.

In her statement to Individual A, Pupil A stated that they were in a maths class on one occasion and that Pupil C had asked Mr Alcorn a question. Pupil A stated that Mr Alcorn

had come over to help Pupil C, and that when Pupil C had got the answer correct Mr Alcorn put his hand on Pupil C's thigh and said "*well done babe*". Pupil A stated that Pupil C did not look comfortable.

In her police statement, Pupil C stated that she was sitting at her desk during a lesson and that Mr Alcorn came over, lent down and rubbed her thigh from her knee to the top of her leg. Pupil C also stated that Mr Alcorn had rubbed her leg with his thumb. Pupil C stated that she believed that this was sexual.

The panel noted that this allegation was denied by Mr Alcorn.

The panel noted that there were consistencies between Pupil C's statement to Individual A and senior teacher, and Pupil C's statement to the police.

The panel also considered that there were consistencies between the evidence of Pupil A and Pupil C. Given the similarities in the accounts of Pupil A and Pupil C, the panel considered the possibility of collusion. It was apparent from the evidence that Pupil A and Pupil C knew each other and had discussed allegations against Mr Alcorn whilst in class and also whilst walking between lessons.

The panel noted that in her police interview, Pupil C had stated that she was not making the allegations maliciously and she had felt bad that Mr Alcorn was getting into trouble, although she did think that what he had done was "wrong" and "strange".

The panel concluded that it was unlikely that Pupil A and Pupil C had colluded in respect of the allegations.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, considered it was more likely than not that Mr Alcorn had touched Pupil C's thigh on one or more occasions. The panel was satisfied that this amounted to inappropriate physical contact.

The panel found allegation 2(c)(iv) proven.

**d. In relation to Pupil D, touching Pupil D's hand;**

In her statement to Individual A on 11 December 2018, Pupil D stated that Mr Alcorn had touched her hand. The panel considered that this was consistent with previous accounts provided by Pupil A, Pupil B, Pupil C and Pupil E. The panel noted that this allegation was denied by Mr Alcorn.

The panel considered it was more likely than not that Mr Alcorn touched Pupil D's hand on one or more occasions. The panel was satisfied that this contact had amounted to inappropriate physical contact.

The panel found allegation 2(d) proven.

**e. In relation to Pupil E, touching Pupil E's hand;**

In her statement to Individual A on 11 December 2018, Pupil E stated that Mr Alcorn had touched her hand. Pupil E stated that in doing so, Mr Alcorn had said things such as “*don't worry about the test*”. The panel considered that this was consistent with accounts provided by Pupil A, Pupil B, Pupil C and Pupil D. The panel considered it was more likely than not that Mr Alcorn touched Pupil E's hand on one or more occasions. The panel was satisfied that this contact had amounted to inappropriate physical contact.

The panel found allegation 2(e) proven.

**3. Between 1 September 2018 and 12 December 2018, during lessons, failed to maintain appropriate professional boundaries with one or more pupils and/or failed to treat one or more pupils with dignity, on one or more occasions, namely by:**

**a. Referring to one or more pupils as ‘babe’, ‘honey’ and ‘darling’;**

The panel considered evidence from a number of pupils.

In her statement to Individual A, Pupil A stated that Mr Alcorn would call the pupils “*babe*” and “*darling*”. Pupil A stated that this made her feel uncomfortable.

In her interview with the senior teacher, Pupil B stated that Mr Alcorn had called everyone “*babe*.”

Pupil C also stated in her statement to Individual A that Mr Alcorn called pupils “*babe*” and “*honey*”.

Pupil E also stated to Individual A that Mr Alcorn would normally call everyone “*babe*”.

The panel noted that Mr Alcorn had accepted that he would have called pupils “*babe*”. Mr Alcorn's had also accepted that, with hindsight, the phrase “*babe*” is a poor choice of language. The panel also noted that Mr Alcorn denied the use of “*honey*” or “*darling*”.

The panel considered that in light of the consistent evidence from Pupil A, Pupil B, Pupil C and Pupil E, and Mr Alcorn's acceptance of using colloquial terms when referring to the pupils, it was more likely than not that Mr Alcorn had referred to one or more pupils as “*babe*”, “*honey*”, and “*darling*” on one or more occasions.

The panel was satisfied that Mr Alcorn had failed to maintain appropriate professional boundaries and had failed to treat one or more pupils with dignity on one or more occasions.

The panel found allegation 3(a) to be proven.

**c. Making comments about female menstruation to one or more pupils;**

In her witness statement, Pupil A stated that Mr Alcorn would talk about female menstruation during class. Pupil A provided examples of this where Mr Alcorn would talk about “*what sorts of things you should eat to make your period light*”, and “*how he would deal with his wife being on her period*”. Pupil A stated that Mr Alcorn would also say that he would understand if the pupils “*were in a bad mood*” because they were “*on their periods*”.

In her statement to Individual A, Pupil B stated that Mr Alcorn would talk about female menstruation. For example, Pupil B stated that when she asked if she could use the toilet, Mr Alcorn had responded by saying: “*yep, you can go anytime, if you are on your period.*”

In her statement to Individual A, Pupil C stated that Mr Alcorn would start talking about female menstruation “*for no reason*”. As an example, Pupil C stated that when another female pupil had said they felt tired, Mr Alcorn had stated that “*it’s fascinating why girls feel tired when it’s their period.*” Pupil C also stated that all the pupils had felt uncomfortable by this comment.

In her statement to Individual A, Pupil D also stated that Mr Alcorn would talk about female menstruation in class. Pupil E also stated to Individual A that Mr Alcorn spoke about “*women on their periods*”.

The panel noted that Mr Alcorn had accepted that he did refer to female menstruation in class. However, Mr Alcorn stated that he had done this on one occasion at the beginning of a lesson to the class, following a question from a pupil as they entered the classroom. Mr Alcorn stated that he did not wish to discuss the topic at length and suggested that the pupil should discuss this with their science teacher.

The panel considered the consistency of the accounts between Pupil A, Pupil B, Pupil C and Pupil D. The panel did not consider that there was any evidence of collusion between the pupils. The panel considered it more likely than not that Mr Alcorn did make comments about female menstruation to one or more pupils on one or more occasions.

The panel was satisfied that Mr Alcorn had failed to maintain appropriate professional boundaries and had failed to treat one or more pupils with dignity on one or more occasions.

The panel found allegation 3(c) to be proven.

**d. Making an inappropriate comment about pupil clothing, using words to the effect of ‘I am glad that you have to wear trousers because when girls had skirts I would be able to see everything while at my desk’;**

In her statement to Individual A, Pupil A stated that on one occasion, when the pupils were discussing how they wanted to wear skirts as part of their uniform, Mr Alcorn had



responded by saying *“No, I am glad that you have trousers because basically when girls had skirts (when I used to teach them) I would be able to see everything whilst at my desk.”*

The panel considered Mr Alcorn’s response to this allegation, whereby Mr Alcorn stated that his comment was: *“I’m glad that you have to wear trousers as it removes any issues concerning skirt lengths”*. However, the panel considered that in any event, this also would have amounted to an inappropriate comment using words to the effect as set out in the allegation.

Therefore, the panel considered that it was more likely than not that Mr Alcorn had made an inappropriate comment about pupil clothing, and that by making this comment Mr Alcorn had failed to maintain appropriate professional boundaries and had failed to treat one or more pupils with dignity on one or more occasions.

The panel found allegation 3(d) to be proven.

**e. Making one or more inappropriate comments to pupils about suicide, including using words to the effect of ‘Oh dear, that is bad, you should really commit suicide’;**

The panel noted that Mr Alcorn did accept that he made a comment in respect of suicide. In particular, Mr Alcorn stated that when a pupil had provided an incorrect answer, he had stated *“that it’s not something to commit suicide over.”* The panel noted Mr Alcorn’s comments that he thought this was an unfortunate phrase to use. The panel considered that the comments made amounted to inappropriate comments about suicide.

Therefore, the panel considered it more likely than not that Mr Alcorn had made one or more inappropriate comments to pupils about suicide and that in doing so, Mr Alcorn had failed to maintain appropriate professional boundaries and had failed to treat one or more pupils with dignity on one or more occasions.

The panel found allegation 3(e) to be proven.

**g. Deliberately knocking one or more pupils pencil cases off their desks and/or making them pick up their pencil cases;**

In her witness statement, Pupil A stated that Mr Alcorn would deliberately knock one of the other female pupils’ pencil cases off the desk, and that the pupil would have to bend down to pick it up. Pupil A stated that Mr Alcorn would walk backwards and watch the pupil bend down to pick up the pencil case.

In her interview with Individual A, Pupil C also stated that Mr Alcorn would knock Pupil B’s pencil case onto the floor so that she would have to get on the floor to pick it up. Pupil C stated that this made her feel uncomfortable.

The panel considered the teacher's own response to this allegation, in which he accepts that he did use a metre ruler to knock the pencil case off a desk of a pupil who sat in front of his own desk. Mr Alcorn stated that this was in "jester" and that it was inappropriate.

In light of the evidence provided by Pupil A, the panel considered that Mr Alcorn had engaged in this behaviour on multiple occasions as opposed to an isolated incident.

The panel considered it was more likely than not that Mr Alcorn had deliberately knocked one or more pupils' pencil cases off their desks and/or had made them pick up their pencil cases on one or more occasions. The panel was satisfied that in doing so, Mr Alcorn had failed to maintain professional boundaries and had failed to treat pupils with dignity.

The panel found allegation 3(g) to be proven.

#### **4. Your conduct at allegation 2 above was sexually motivated.**

The panel considered whether Mr Alcorn's conduct at allegation 2 was sexually motivated. In doing so, the panel considered the evidence of Pupil A, Pupil B, Pupil C, Pupil D and Pupil E.

The panel noted that, in the police interviews given by Pupil B and Pupil C, they had identified behaviour that they felt was both sexual and not sexual. For example, they did not believe that the touching of their hair and/or head was sexual. However, they did believe that the touching/rubbing of their hands and/or thighs was sexual.

However, upon looking at Mr Alcorn's conduct as a whole, the panel observed a pattern of behaviour from Mr Alcorn which could not be considered accidental. The panel considered that when trying to understand what other motivations there are for this level of physical contact to a specific group of female pupils, there can be no motivation other than a sexual one. The panel considered that Mr Alcorn's conduct at allegation 2 was in pursuit of sexual gratification and that his conduct was therefore sexually motivated.

The panel found allegation 4 proven.

The panel found the following particulars of the allegations against you not proved, for these reasons:

#### **2. Between 1 September 2018 and 12 December 2018, made inappropriate physical contact with one or more pupils during lessons on one or more occasions, including by:**

##### **(a) In relation to Pupil B:**

##### **iii. Touching Pupil B's head with a meter ruler;**

The panel found that there was insufficient evidence to corroborate the allegation that Mr Alcorn had touched Pupil B's head with a metre ruler. In particular, the panel noted that

Pupil B had not made this allegation at all in her statements to Individual A, the senior teacher, or the police.

The panel found allegation 2(a)(iii) not proven.

**3. Between 1 September 2018 and 12 December 2018, during lessons, failed to maintain appropriate professional boundaries with one or more pupils and/or failed to treat one or more pupils with dignity, on one or more occasions, including by:**

**(b) Referring to yourself as “daddy”;**

The panel noted that Pupil A had referenced Mr Alcorn stating “*I am your daddy*” to another female pupil in her statement to Individual A. Pupil A had also referenced this in her police interview.

However, the panel noted that this allegation had not been corroborated by other pupils and in particular, the panel did not have sight of any evidence from the unknown female pupil. The panel found that there was insufficient evidence to support this allegation.

The panel found allegation 3(b) not proven.

**(f) Throwing an object at Pupil B’s head;**

The panel found that there was no evidence to support the allegation that Mr Alcorn had thrown an object at Pupil B’s head.

The panel found allegation 3(f) not 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 Alcorn in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, the Panel 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
- 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 was satisfied that Mr Alcorn had breached his overriding responsibility to safeguard the welfare of children, in acting in the manner found proven.

The panel was satisfied that the conduct of Mr Alcorn fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Alcorn's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of sexual activity was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct, albeit there is no conviction in this case.

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

The panel went on to consider whether Mr Alcorn was guilty of conduct that may bring the profession into disrepute. 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 also considered whether Mr Alcorn's conduct displayed behaviours associated with any of the offences in the list that begins on Page 12 of the Advice.

As referred to above, the panel found that the offence of sexual activity was relevant.

The advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute, albeit there is no conviction in this case.

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.

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

The panel found that Mr Alcorn's actions constituted 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Alcorn 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 protection of other members of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Alcorn, which involved findings that:

- (i) Mr Alcorn had failed to maintain appropriate boundaries upon allowing pupils to plait his hair on one or more occasions;
- (ii) Mr Alcorn had engaged in inappropriate physical contact with one or pupils on one or more occasions; and
- (iii) Mr Alcorn had failed to maintain professional boundaries and treat pupils with dignity on one or more occasions, by making inappropriate comments and exhibiting inappropriate behaviour in the classroom,

there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate physical contact which involved children.

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

Whilst there is evidence that Mr Alcorn had some ability as an educator based on his previous employment references, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Alcorn in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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 that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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

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 whether there were mitigating circumstances.

Mr Alcorn's actions were deliberate.

There was no evidence to suggest that Mr Alcorn was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Alcorn's actions to be calculated and motivated.

There were no previous disciplinary orders made against Mr Alcorn but there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector. The only evidence that the panel has of his teaching practice was that provided by colleagues in the previous school that Mr Alcorn had worked in before 2014, which stated that Mr Alcorn's conduct "was always very professional" and that he was a "very good Maths teacher who had good relationships with pupils". However, the panel noted that no references were provided from teaching staff at Eastwood Academy that could attest to his abilities as a teacher whilst employed at the school.

Mr Alcorn had adduced no evidence in mitigation. However, the panel noted from his evidence that Mr Alcorn appeared to have limited insight into some of his behaviour as he had apologised to those that he had offended. The panel also noted that Mr Alcorn appeared to have understood that some of his behaviour was inappropriate, in particular, allowing students to plait his hair and making inappropriate comments in relation to suicide. However, the panel found that it did not have sufficient evidence in order to fully consider Mr Alcorn's remorse or insight into his behaviour in relation to the other allegations made.

The panel 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 Mr Alcorn 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 Alcorn. Mr Alcorn fundamentally breached his position of trust to exploit his pupils. The panel took into account Mr Alcorn's limited insight and remorse in respect of the allegations made. 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 Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these cases includes serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons, and any sexual misconduct involving a child. The panel found that Mr Alcorn was responsible for making inappropriate physical contact with Pupil A, Pupil B, Pupil C, Pupil D and Pupil E on one or more occasions. The panel also found that there was a sexual motivation behind this contact, and therefore, found that this amounted to serious sexual misconduct.

The panel concluded that Mr Alcorn had not provided any mitigating evidence. The panel noted that whilst Mr Alcorn did show limited insight and remorse in respect of at least 2 allegations against him, the panel did not have enough evidence of Mr Alcorn's insight and remorse in respect of the allegations amounting to serious sexual misconduct in order to consider the risk of repetition of this 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 provisions for a review period.

## **Decision and reasons on behalf of the Secretary of State**

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

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

In this case, the panel has found some 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 Steven Alcorn should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Alcorn 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
- 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 Alcorn fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of inappropriate physical contact with pupils, conduct found to be sexually motivated.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Alcorn, 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/or safeguard pupils. The panel has observed, "there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate physical contact which involved children." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Alcorn had adduced no evidence in mitigation. However, the panel noted from his evidence that Mr Alcorn appeared to have limited insight into some of his behaviour as he had apologised to those that he had offended. The panel also noted that Mr Alcorn appeared to have understood that some of his behaviour was inappropriate, in particular, allowing students to plait his hair and making inappropriate comments in relation to suicide. However, the panel found that it did not have sufficient

evidence in order to fully consider Mr Alcorn's remorse or insight into his behaviour in relation to the other allegations made." In my judgement, the lack of evidence of full insight or remorse 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, "Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Alcorn were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual motivated contact with pupils 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 and conduct that may bring the profession into disrepute, 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 Alcorn himself and the panel comment "Whilst there is evidence that Mr Alcorn had some ability as an educator based on his previous employment references, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Alcorn in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust."

A prohibition order would prevent Mr Alcorn 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 concerning the lack of full insight or remorse and "The panel concluded that Mr Alcorn had not provided any mitigating evidence. The panel noted that whilst Mr Alcorn did show limited insight and remorse in respect of at least 2 allegations against him, the panel did not have enough evidence of Mr Alcorn's insight and remorse in respect of the allegations amounting to serious sexual misconduct in order to consider the risk of repetition of this behaviour."

I have also placed considerable weight on the following findings of the panel:

“Mr Alcorn had failed to maintain professional boundaries and treat pupils with dignity on one or more occasions, by making inappropriate comments and exhibiting inappropriate behaviour in the classroom.”

“Mr Alcorn’s actions were deliberate.”

“There was no evidence to suggest that Mr Alcorn was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Alcorn’s actions to be calculated and motivated.”

I have gone on to give considerable weight to the following, “looking at Mr Alcorn’s conduct as a whole, the panel observed a pattern of behaviour from Mr Alcorn which could not be considered accidental. The panel considered that when trying to understand what other motivations there are for this level of physical contact to a specific group of female pupils, there can be no motivation other than a sexual one. The panel considered that Mr Alcorn’s conduct at allegation 2 was in pursuit of sexual gratification and that his conduct was therefore sexually motivated.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Alcorn has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel’s comments, “The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these cases includes serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons, and any sexual misconduct involving a child. The panel found that Mr Alcorn was responsible for making inappropriate physical contact with Pupil A, Pupil B, Pupil C, Pupil D and Pupil E on one or more occasions. The panel also found that there was a sexual motivation behind this contact, and therefore, found that this amounted to serious sexual misconduct.”

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 the lack of full insight and remorse.

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

**This means that Mr Steven Alcorn 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 Alcorn 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 Alcorn 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: 8 August 2023**

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