



Teaching
Regulation
Agency

Mr Aydin Onac: Professional conduct panel outcome

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

September 2023

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

Teacher: Mr Aydin Onac

TRA reference: 17346

Date of determination: 14 September 2023

Former employer: St Olave's Grammar School, Orpington

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 11 to 14 September 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Aydin Onac.

The panel members were Ms Shabana Robertson (lay panellist – in the chair), Ms Aruna Sharma (teacher panellist) and Mr Maurice Smith (lay panellist).

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

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

Mr Onac was present and was represented by Mr Andrew Faux of The Reflective Practice.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 18 May 2023.

It was alleged that Mr Onac was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as headteacher of St Olave's Grammar School between approximately September 2010 to October 2017:

1. He operated and/or applied a policy of withdrawing Year 13 placements for pupils based on their academic performance in Year 12; and
2. His conduct at Allegation 1:
 - a) was contrary to the Education Act 1996 s. 434(3)(b) and/or was not permitted by the applicable Education (Pupil Registration) (England) Regulations;
 - b) was contrary to applicable Department for Education Guidance including the School Census Guide and/or School Exclusion Guidance;
 - c) prioritised the academic performance of the school over the best interests of pupils attending the school; and
 - d) in any event seriously affected the education and/or well-being of pupils.

Mr Onac admitted allegations 1, 2(a) and 2(b) however denied allegations 2(c) and 2(d). Mr Onac denied that his conduct as admitted in respect of allegations 1, 2(a) and 2(b) amounted to unacceptable professional conduct and/or conduct which may bring the profession into disrepute.

Preliminary applications

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

Application to discontinue the proceedings

Prior to the hearing, the teacher's representative made an application to discontinue the proceedings on the basis that the TRA's conduct in this case amounted to an abuse of process. It was submitted that the TRA's actions in bringing this matter before a professional conduct panel were unreasonable. The submissions argued that the TRA unreasonably delayed what the teacher's representative submitted to be a simple case where the TRA was aware that there was no factual dispute in respect of the operation of the policy which was the subject of allegation 1. The written submissions from the teacher's representative stated that several listings for this hearing had been abandoned with no meaningful communication from either the TRA or the presenting officer. The written submissions alleged that no steps were taken to progress the case from receipt of the statement of Individual A in March 2020 until approximately two years later in the spring of 2022 when statements were obtained from pupils.

The written submissions acknowledged that some delays resulted from the Coronavirus pandemic and national lockdowns and conceded that a fair trial could take place.

The teacher's representative submitted that the delay was sufficiently serious to justify an early ending of this case. It was submitted that the case could have been referred to a professional conduct panel in early 2019, and that the only way that a fair balance could be struck between the rights of Mr Onac and the public interest would be to bring the proceedings to an end.

The teacher's representative, in written submissions, drew the panel's attention to paragraph 4.54 of the 2018 Procedures which state that a panel may discontinue the proceedings, at any stage, where it considers it fair and appropriate. The written submissions further stated that it is open to a panel to find that it is not fair to try the teacher if it offends the panel's sense of justice and propriety to be asked to continue to hear the case against the teacher, given the particular circumstances of the case.

In addition to the reference to the 2018 Procedures, the panel was referred to case of *R v Crawley* [2014] in which the Court of Appeal summarised the test for abuse of process. The panel was advised that the threshold which needs to be reached for discontinuance to be justified should be a high one.

The panel accepted the legal advice provided.

The panel noted that it was conceded that a fair hearing could take place, and the panel agreed that a fair hearing could take place. The panel then went on to consider whether the conduct of the TRA offended the panel's sense of justice and propriety to continue to hear the proceedings against the teacher.

The panel considered all of the circumstances and did not consider that the TRA's actions amounted to an abuse of process. Whilst the panel acknowledged that there

were delays caused by the TRA, the panel did not consider that any action or inaction by the TRA was sufficiently serious as to meet the high threshold in respect of discontinuance. It did not offend the panel's sense of justice and propriety. Given that the submissions of the teacher's representative acknowledged that the teacher could receive a fair hearing, the panel saw no good reason why the proceedings should be discontinued at this stage. The panel did not consider it to be fair or appropriate to discontinue the proceedings and, accordingly, the teacher's application for discontinuance was refused.

Application to amend allegation 2(a)

The presenting officer made an application to amend the wording of allegation 2(a) as follows:

- Allegation 2(a) should be changed from "*His conduct at Allegation 1 was contrary to the Education Act 1996 s. 434(b) and/or was not permitted by the applicable Education (Pupil Registration) (England) Regulations*" to "*His conduct at Allegation 1 was contrary to the Education Act 1996 s. 434(3)(b) and/or was not permitted by the applicable Education (Pupil Registration) (England) Regulations*"

The teacher's representative agreed to the application.

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

The panel considered that the proposed amendments would not change the nature and scope of the allegations in that the amendment was proposed only to correct the reference to the statute which formed the basis of the application. As such, the panel considered that the proposed amendments did not amount to a material change to the allegations.

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

Application to admit additional documents

The panel considered a preliminary application on day three of the hearing from the teacher's representative for the admission of additional documents.

The teacher's documents were:

- (1) Two letters from the Clerk to the Appeals Panel for St Olave's Grammar School ('the School') to parents of former pupils of the School dated 9 October 2013;
- (2) An extract from the School's Governing Body Minutes dated 10 June 2009; and

(3) An extract from the School's Governing Body Minutes dated 23 September 2009.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the 2018 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the 2018 Procedures.

The presenting officer confirmed that there was no objection to the application.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

Summary of evidence

Documents

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

- Section 1: Notice of hearing and response – pages 5 to 9
- Section 2: Anonymised pupil list – page 11
- Section 3: TRA witness statements – pages 13 to 43
- Section 4: TRA documents – pages 45 to 104
- Section 5: Teacher documents – pages 106 to 269
- Teacher's abuse of process application – provided separately
- DfE guidance bundle – provided separately
- Bundle B – Teaching Regulation Agency Documents – pages 1 to 328 – provided separately on the first day of the hearing

In addition, the panel agreed to accept the following:

- Two letters from the Clerk to the Appeals Panel for St Olave's Grammar School ('the School') to parents of former pupils of the School dated 9 October 2013;
- An extract from the School's Governing Body Minutes dated 10 June 2009; and
- An extract from the School's Governing Body Minutes dated 23 September 2009.

The panel members confirmed that they had read all of the documents within the bundle in advance of the hearing, Bundle B on the first day of the hearing, and the additional

documents that the panel decided to admit once they had determined that they should be admitted.

Witnesses

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

- Individual A

The panel also heard oral evidence from Mr Onac.

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 Onac began his position as headteacher of the School, a selective secondary grammar school with a sixth form, in 2010. At the time Mr Onac joined the School, the School had in place a policy whereby A-Level pupils who wished to continue their studies in Year 13 were required to gain at least grade C at AS level in the three subjects that they wished to take at A2 level. The School's 2010/2011 written admissions policy dated 4 March 2009, prior to Mr Onac joining the School, stated:

"It is required that students will have gained at least grade C at AS level in the three subjects that they wish to take at A2 level in order to complete their studies in Year 13." (the '**2009 Policy**').

In September 2013, Mr Onac proposed an increase in the AS grades required to progress to A2 level from three at grade C to three at grade B. This meant that A-Level pupils would normally need to have obtained three AS levels at grade B at the end of Year 12 in order to progress to Year 13 and take their A2 levels. The proposal was considered by the governors of the School. Thirteen governors voted in favour of the motion, and five against.

The School's written admissions policy during the 2014/2015 and 2015/2016 academic years (the '**2014 - 2016 Policies**') stated as follows:

"It is required that students will normally have gained at least grade B at AS level, or equivalent internal examinations, in the three subjects that they wish to take at A2 level in order to complete their studies in Year 13".

The entry into Year 13 requirement was removed from the 2016/2017 Admissions Policy due to the removal of AS exams in most subjects. During this academic year, no Year 12 pupils left the School as a result of failing to meet any progression criteria.

On 23 October 2013, the Office of the Schools Adjudicator replied to a letter sent by Mr Onac seeking approval of the variation of the admissions policy. This stated:

“As the school does not have a point of entry into Year 13 other than the expectation that Year 12 pupils will continue, if they reach the required grade, there is no requirement for you to apply to the schools adjudicator for a variation. Any changes would therefore be for the school to determine.”

In 2014, an Ofsted report was published which graded the School as ‘Outstanding’.

At all material times, the School had the benefit of an Admissions Committee who the panel heard were tasked with an annual review of the School’s Admissions Policy.

In August 2017, judicial review proceedings were lodged challenging the lawfulness of the progression criteria. The judicial review proceedings were resolved by consent; however, Mr Onac was suspended, pending an inquiry, in October 2017.

Mr Onac resigned from his position at the School in December 2017.

The matter was referred to the TRA in July 2018.

The legal position regarding selection for entry to the sixth form of a grammar school based on their academic performance has been summarised by the Department of Education and was set out in the DfE Guidance Bundle provided to the panel. If a grammar school sets academic entry standards for pupils to progress into the school sixth form, the Education (Pupil Registration) (England) Regulations 2006 (‘the Regulations’) allow a school to remove pupils from its registers at this point if they have failed to meet these standards and will cease to be of compulsory school age before the school next meets. At all other points, including between Year 12 and Year 13, it is unlawful to remove pupils because of their academic attainment or ability. This was the legal position in 2009, in 2017, and remains the current legal position.

Findings of fact

The findings of fact are as follows:

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

1. You operated and/or applied a policy of withdrawing Year 13 placements for pupils based on their academic performance in Year 12; and

The panel noted that Mr Onac admitted allegation 1.

In his evidence, Mr Onac admitted that he did operate and apply a policy of withdrawing Year 13 placements for pupils based on their academic attainment at the end of Year 12.

Mr Onac submitted that the School operated a system of what was termed 'progression criteria' to determine a student's suitability to progress from Year 12 into Year 13 to complete their A levels.

The panel was provided with documentary evidence that the School's governing body minutes recorded a discussion in 2009, during the tenure of Individual B, where governors approved progression criteria of three C grades for pupils wishing to move from Year 12 to Year 13. Subsequently, Mr Onac understood that this amounted to the unlawful exclusion of pupils. Mr Onac's evidence was that he was not aware that this was unlawful at the time. Mr Onac submitted that it was his understanding that such progression criteria was common practice amongst grammar schools, although the panel was not provided with compelling evidence in support of this, including any evidence from other grammar schools.

Mr Onac explained that the expectation of the School was that most of its pupils were "*bright*" and able to achieve the highest grades. The expectation was that pupils would achieve mostly A* and A grades at A level. Mr Onac's evidence was that he was proud of the achievements of the pupils at the School.

The School's established approach was to review the attainment of pupils at the end of Year 12. Mr Onac did not question this system, as he submitted that it seemed in line with the selective school ethos of the School. Mr Onac now understood that this was unlawful but reiterated that the policy was in existence when he arrived at the School.

Mr Onac submitted that, in October 2013, the policy was considered by the Office of the Schools Adjudicator which stated that the policy was a matter for the School. It was Mr Onac's position that no indication was given that the application of such a policy may be unlawful.

In terms of Mr Onac's own application of the policy, he submitted that he sought to make the policy more flexible to take into account particular circumstances and allow a proper assessment of an individual pupil's ability to cope with the teaching in Year 13.

In 2013, the progression criteria increased to three B grades as a more appropriate minimum level of expected performance at the end of Year 12. Mr Onac explained that some governors questioned the policy and, during his oral evidence, he confirmed that, when reporting to the governing body on the policy, he had given his professional opinion. Mr Onac submitted that it was at his insistence that the word 'normal' was inserted to give him the flexibility to look carefully at each individual case. The panel heard evidence that the School did in fact exercise this discretion in a significant number of cases each year.

Following A level results day in the middle of August 2017, around 30 pupils failed to meet the progression criteria. The panel heard that a decision was made to allow roughly

half of the pupils who had gained two B grades (rather than three) to continue into Year 13.

In the summer of 2017, families of pupils at the School initiated a judicial review of the lawfulness of the existence of the progression criteria. Mr Onac submitted that the governing body took the decision to “*back down*” and remove the progression criteria. Mr Onac’s evidence was that around 16 pupils whose places had been withdrawn due to the progression criteria were invited to resume their studies at the School. The judicial review did not proceed as a consent order was agreed.

The panel found allegation 1 proven.

2. Your conduct at Allegation 1:

a) was contrary to the Education Act 1996 s. 434(3)(b) and/or was not permitted by the applicable Education (Pupil Registration) (England) Regulations;

The panel noted that Mr Onac admitted allegation 2(a). Mr Onac accepted that the policy of withdrawing Year 13 placements for pupils based on their academic performance in Year 12 was unlawful and contrary to the Education Act 1996 s.434(3)(b) and/or was not permitted by the applicable Education (Pupil Registration) England Regulations.

The panel was satisfied that the conduct at allegation 1, which the panel found proven, was contrary to the Education Act 1996 s.434(3)(b) and/or was not permitted by the applicable Education (Pupil Registration) (England) Regulations.

The panel noted that there was no dispute as to the application of the Education Act 1996 s.434(3)(b) and/or the Education (Pupil Registration) (England) Regulations.

For the reasons set out above, the panel found allegation 2(a) proven.

b) was contrary to applicable Department for Education Guidance including the School Census Guide and/or School Exclusion Guidance;

The panel noted that Mr Onac admitted allegation 2(b). Mr Onac admitted that his conduct at allegation 1 was contrary to the applicable Department for Education Guidance.

The panel noted that there was no dispute as to the application of the Department for Education Guidance.

For the reasons set out above, the panel found allegation 2(b) proven.

c) prioritised the academic performance of the school over the best interests of pupils attending the school; and

d) in any event seriously affected the education and/or well-being of pupils.

At the outset of the hearing, it was confirmed that Mr Onac denied allegations 2(c) and 2(d).

The panel heard oral evidence from Individual A. In his oral evidence, Individual A stated that, compared to Individual B, Mr Onac had a much stronger focus on academic achievement. Individual A described Mr Onac as supportive, but felt that, during Mr Onac's tenure, there was a change in terms of the academic pressure and the expectations on pupils. However, Individual A did state that pastoral care adapted to the increased academic pressure.

Individual A recalled challenging the change in progression criteria from three C grades to three B grades. Individual A informed the panel that Mr Onac's response to the challenge was that Individual A was "*not thinking like someone who works in a grammar school like ours should*".

Individual A submitted that there was a pastoral system in place for supporting pupils who were falling behind and that, if a pupil was underperforming, arrangements would be made to provide additional academic support.

When questioned about the process on AS results day, Individual A confirmed that his role was to give out results, answer questions if the results were not "up to scratch" and to meet with parents and pupils. He submitted that he was given clear guidance by Mr Onac on what to say, but that Mr Onac's role was as "*remote support*". Mr Onac was not in the room during any conversations but would be aware of the distress of the affected pupils.

Individual A's evidence was that it was not an option for pupils to repeat Year 12 after Mr Onac became headteacher.

Individual A's evidence was that Mr Onac wanted pupils to be happy, but that he felt that Mr Onac prioritised academic achievement.

The panel was provided with witness statements from former pupils at the School, namely Pupil A, Pupil B, Pupil C, Pupil D and Pupil E. Whilst none of these pupils were called to give oral evidence at the hearing, the presenting officer and the teacher's representative confirmed that, although the teacher did not accept the evidence of these former pupils, it had been agreed that it was not necessary for these pupils to be called to give oral evidence. The panel considered this following legal advice given in respect of hearsay evidence and attached the appropriate weight to the evidence given in the written statements.

The panel noted the witness statement of Pupil A, a former pupil at the School. At the time Pupil A was to receive their AS level results, Pupil A was on a trip with the School.

Pupil A submitted that the teacher accompanying them informed the other pupils that she had a copy of the results, and, at the airport before boarding the flight home, she was persuaded by other members of the group to divulge the results. Pupil A submitted that they were disappointed with the results and extremely worried about their future at the School. Pupil A's friend collected the results as they were away on the trip. Pupil A submitted that their friend was informed that Pupil A had not done very well and was therefore unable to continue to Year 13. Pupil A described attending a meeting to discuss the issue and stated *"Individual A was clinical, but Individual C and Individual D appeared more sympathetic but stated there was nothing they could do, and they had to follow the procedures"*. Pupil A submitted that Mr Onac was not present at either their meeting with the School, or the meeting Individual E attended the previous day. Pupil A stated that, after leaving the School, they had no confidence in their academic ability. Pupil A described the weeks and months following their exclusion as *"some of the worst in my life, second only to the weeks and months following [REDACTED]"*.

The panel noted the witness statement of Pupil B, another former pupil at the School. Pupil B attended the School to pick up their AS results; Pupil B submitted that there was a list of names laid out on a table and if pupils had not received their results, they were told to go and speak to a senior member of staff. Pupil B submitted that they were informed that, due to their results, they were unable to continue at the School. Pupil B left the School and had no further contact with the School.

Pupil B submitted that at least two other schools that they had applied to had emailed the School multiple times requesting a reference, but the prospective schools received no response.

The panel noted the witness statement of Pupil C, a former pupil at the School between September 2007 and July 2013. When their AS level results were released, they received a piece of paper informing them to see Individual A. Pupil C spoke with Individual A and was told that they had not received the necessary grades and would not be allowed back in the School. Pupil C recalled being *"pretty much in tears by the end of the conversation"*. Pupil C further submitted that *"there was a massive opportunity that was taken away from [them]"*.

The panel noted the witness statement of Pupil D who attended the School between September 2014 and July 2015. Pupil D submitted that, on results day, they received a piece of paper informing them to go and speak to a teacher about the results. Pupil D submitted that they were informed that they could not progress to the following year because of their results. Pupil D was informed that there would be a meeting the following day. Pupil D did not feel that the School was supportive.

The panel noted the witness statement of Pupil E, who attended the School from September 2011 to June 2017. Pupil E submitted that, on the day the AS level results were released, they were directed to an office near reception to have a meeting with a

member of senior staff. Pupil E submitted that they were informed that they had not achieved the required grade of at least three B grades and that they would therefore have to find another sixth form school to finish their A levels. During the meeting, Pupil E stated that they had no family members present for support. Late in the summer, Pupil E reported that they were invited back to the School for a second meeting. During this meeting, Pupil E felt that the teaching staff at the School showed little care for their education. Pupil E was subsequently invited back to the School to finish their sixth form education, but felt that Mr Onac did not care about them or their education. Pupil E felt that the only reason they were invited back was to stop news articles being published about the School.

In his written evidence, Mr Onac submitted that pupils who did not meet the progression criteria for continuing to Year 13 were always counselled on the best options for their future education at other institutions. Mr Onac stated that the most pressing argument was the negative effect on the pupil's wellbeing had they remained in the high-pressure environment at the School. Mr Onac submitted that the policy of progression criteria was designed to support the wellbeing of pupils. Mr Onac stated that *"the decision not to admit to year 13 based on attainment was undertaken in good faith..."*, but that *"clearly some pupils were distressed by what happened to them and faced disappointment as their school sixth career did not progress as they had hoped"*.

In his oral evidence, when asked if the number of places gained by his pupils at Oxbridge was something he took pride in, Mr Onac submitted that it was, and that a head of any school would take pride in this. Mr Onac was asked whether he considered a pupil obtaining a grade lower than a 'B' to be a failure, to which Mr Onac submitted that the pupils themselves may see this as a failure as they and their parents set themselves high expectations. Mr Onac's evidence was that it was part of his role to support pupils in achieving the highest possible grade, which he felt was part of their wellbeing. In Mr Onac's view, a pupil who achieved their aspirations would be happy.

Mr Onac submitted that the progression criteria was not designed to improve the School's standing in the league tables, but that it was designed to protect pupils who would have struggled under the level of *"scholarship"* required at the School. When questioned on the meaning of *"scholarship"*, Mr Onac submitted that this did not just relate to academic results; he detailed his broad view of education and headship, referring to the School's extracurricular activities and the multiple responsibilities of headship. Mr Onac's evidence was that the School's learning environment was targeted at A* and A grade pupils; if there was a pupil who was struggling to reach a B grade, that student would be under pressure in class, with coursework and homework. Mr Onac saw this as a way of encouraging pupils and felt that another school may put these pupils under less pressure.

Mr Onac did not consider that offering the opportunity to resit Year 12 was in the best interests of the pupils as these pupils would be a year below their peers and it would not

be helpful for their self-esteem. Mr Onac further submitted that it was very rare that a pupil would request to resit Year 12 following a failure to meet the progression criteria.

Mr Onac did not accept that the progression criteria seriously affected the education and/or wellbeing of pupils.

In respect of allegation 2(c), the panel considered the wording of the allegation and the evidence presented to it. Whilst the panel accepted that academic performance was one of Mr Onac's priorities during his tenure at the School, the panel did not consider that a strong focus on academic performance meant that academic performance was prioritised over the best interests of the pupils. The panel considered that it was possible to act in the best interests of the pupils whilst focusing on academic performance. The panel noted that academic performance could well be in the best interests of some pupils and that the two elements (academic performance and best interests) were not mutually exclusive.

The panel therefore found allegation 2(c) not proven.

However, in respect of allegation 2(d), the panel firstly drew on its own knowledge and experience in considering whether, by withdrawing Year 13 placements for pupils based on their academic performance, it was likely that the education and/or wellbeing of pupils would be seriously affected. It was the panel's view that any reasonable person would objectively consider that a pupil being withdrawn from their School at the end of Year 12 would have a serious effect on their education or wellbeing. Whilst the panel noted Mr Onac's submission that, in some limited circumstances, pupils may have been better served at another school, the panel did not consider that this meant that their education and wellbeing were not seriously affected by the decision. The panel considered that it is natural that any pupil who is required to move to a different school in the summer of Year 12 (and within a few weeks of the start of a new term) would be seriously affected, both in terms of their education and their wellbeing. It was the panel's view that, in some circumstances, the serious effect on the pupil may be a negative one.

The panel also considered the statements of the former pupils referred to above. It is clear that there was a serious, and in the panel's view, negative, effect on at least some of the former pupils who were unable to progress to Year 13 during Mr Onac's tenure.

The panel therefore found allegation 2(d) proven.

The panel found allegation 2(d) proven but allegation 2(c) 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 Onac, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Onac 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel considered whether the misconduct amounted to misconduct of a serious nature. The panel found that, given the impact on the education and wellbeing of pupils that resulted from the conduct admitted and found proven, the misconduct was sufficiently serious as to amount to unacceptable professional conduct. The panel was therefore satisfied that the conduct of Mr Onac amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether the teacher's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences was relevant.

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

Whilst the panel did consider the findings of misconduct to be serious, it did not consider that the conduct displayed would be likely to have a negative impact on the individual's status as a teacher or would potentially damage the public perception. It was the panel's view that the acts of misconduct did not influence how others viewed the teaching profession.

The panel therefore did not find that Mr Onac's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1, 2(a), 2(b) and 2(d) proved, the panel further found that Mr Onac's conduct amounted to unacceptable professional conduct.

Panel's recommendation to the Secretary of State

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

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

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Onac which involved conduct that seriously affected the education and/or well-being of pupils there was a strong public interest consideration in protecting the public confidence in the profession as this could be seriously weakened if conduct such as that found against Mr Onac was 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 Onac was outside that which could reasonably be tolerated.

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

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr

Onac. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- misconduct seriously affecting the education and/or well-being of pupils.

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

There was no evidence to suggest that Mr Onac was acting under extreme duress.

However, Mr Onac has a previous good history and the panel accepted that his actions were not consistent with his overall character. The panel considered that Mr Onac was open and honest throughout the process and accepted Mr Onac's evidence that his actions were not deliberate. The panel considered that the risk of repetition was negligible.

Mr Onac provided several character references that attested to his ability as a teacher. In particular, the panel noted the following comments:

- Individual F:
 - *"Aydın was exceedingly interested in and encouraging of any extracurricular activity the students partook in, all kinds of sport, social, art or music and many more."*
 - *"To sum up, Aydın is a highly intelligent, a most energetic and enthusiastic teacher and headmaster; he is generous and open to people round the world, acts decisively against prejudice and leads by example. He has the ability to make informed, considered decisions fast and the great courage to make difficult ones when he knows them to be for the good of the students and the school."*
- Individual G:
 - *"Mr Önaç brought only excellence to [REDACTED]."*
 - *"as Senior Deputy Head Mr Önaç was a very clear-headed manager who contributed enormously to [REDACTED] development; he was faced with very demanding roles but, as one finds with the very best performers, he was ahead of the game and had energy in reserve to devote to the school's wider life;"*

- *“Over his time at [REDACTED], Aydin Őnaç clearly enriched a great number of lives; he had time and energy to spare and shared them willingly. He was strong, single-minded and passionate about the school and its students.”*
- Individual H:
 - *“Aydin Onac ran one of the most streamlined and successful schools in the UK: academically gifted; a composer; and a gardener whose legacy still beautifies the school and its surroundings; he dedicated his life to the environment 24/7. He was surrounded by brilliant academics and students.”*
 - *“A brilliant mathematician with a keen interest in higher order thinking skills and excellent performance, Saint Olave’s Grammar School under his leadership grew to be one of the highest achieving schools in the country.”*
- Individual I:
 - *“He is the most dynamic and open minded head teacher I have ever encountered in my teaching years in secondary education in the UK. His management style is unique as he does not take anything for granted when making decisions.”*

The panel noted an article provided in the bundle entitled ‘The Progress 1000: London’s most influential people 2016 – Education’ in which Mr Onac was listed. In addition, in a further article entitled ‘Best of London’s ‘trail-blazing’ state schools honoured at our awards’ dated 2 December 2015, it was highlighted that the School was one of two winners of the academic achievement award during Mr Onac’s tenure.

Considering the above, the panel found that there was evidence to suggest that Mr Onac demonstrated exceptionally high standards in both personal and professional conduct and that he contributed significantly to the education sector during his career as an educator. The panel noted, in particular, the evidence submitted describing Mr Onac’s contribution during his role as headteacher in both comprehensive and grammar schools. The panel considered that, should Mr Onac continue his career as an educator, the education system would benefit from Mr Onac’s continuing contribution.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, in particular the significant public interest in retaining the teacher in the

profession, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 sanction.

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. However, the panel has also found one of the allegations not proven and I have, therefore, put those matters entirely from my mind.

The panel has recommended that the findings of unacceptable professional conduct should be published and that such an action is proportionate and in the public interest.

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

The misconduct found by the panel is serious as it resulted in a serious and negative impact on the education and wellbeing of pupils.

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, 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 Onac, 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. In its considerations the panel makes no suggestion nor notes any evidence that Mr Onac poses a risk to the safety and security of pupils or members of the public.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "However, Mr Onac has a previous good history and the panel accepted that his actions were not consistent with his overall character. The panel considered that Mr Onac was open and honest throughout the process and accepted Mr Onac's evidence that his actions were not deliberate. The panel considered that the risk of repetition was negligible." I have, therefore, given this element considerable weight in my considerations.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that, "In the light of the panel's findings against Mr Onac which involved conduct that seriously affected the education and/or well-being of pupils there was a strong public interest consideration in protecting the public confidence in the profession as this could be seriously weakened if conduct such as that found against Mr Onac was not treated with the utmost seriousness when regulating the conduct of the profession."

However the panel also record that "The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon Mr Onac's abilities as an educator and he is able to make a valuable contribution to the profession." I have, therefore, given this element less weight in my considerations.

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".

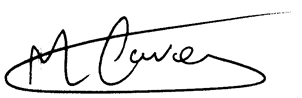
I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Onac himself and the panel's comment that, "Mr Onac demonstrated exceptionally high standards in both personal and professional conduct and that he contributed significantly to the education sector during his career as an educator. The panel noted, in particular, the evidence submitted describing Mr Onac's contribution during his role as headteacher in both comprehensive and grammar schools, The panel considered that, should Mr Onac continue his career as an educator, the education system would benefit from Mr Onac's continuing contribution."

A prohibition order would prevent Mr Onac 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 conclusion that the nature and severity of the behaviour were at the less serious end of the possible spectrum, the significant public interest in retaining the teacher in the profession, and the fact that there is no evidence to suggest that Mr Onac poses a risk to the safety and security of pupils or the public.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 18 September 2023

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