



Teaching
Regulation
Agency

Mr Matthew Stendall: 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 Matthew Stendall
Teacher ref number:	0047269
Teacher date of birth:	15 September 1973
TRA reference:	20543
Date of determination:	12 September 2023
Former employer:	Westbury Academy, Nottingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 11 to 12 September 2023, to consider the case of Mr Matthew Stendall.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Mr Terry Hyde (former teacher panellist) and Ms Rachel Curry (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 Ciju Puthuppally of Three Raymond Buildings.

Mr Stendall was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 14 June 2023.

It was alleged that Mr Stendall was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a Teacher at Westbury Academy:

1. On 7 December 2020, he placed Pupil A into a headlock in the presence of Witness A and pupils in his class;
2. On 7 December 2020, he continued to hold Pupil A in a headlock whilst leading him down a corridor, in the presence of staff and pupils;
3. On 7 December 2020, he returned to his classroom and threatened pupils by stating words “Carry on and I will put you in a headlock and take you out” or words to that effect.

The teacher has admitted all three (3) sub-allegations.

However, the teacher has not addressed whether or not this amounts to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, and therefore, this was taken as not admitted.

Preliminary applications

Proceeding in absence

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

The panel was satisfied that the TRA has complied with the service requirements of paragraph 19 a to c of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession May 2020, (the “Procedures”).

The panel determined to exercise its discretion under paragraph 5.47 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 firstly took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1, as follows:

- i) The panel noted that the teacher had voluntarily absented himself from the hearing. In particular, the panel considered an email from the teacher to the TRA sent on 27 March 2023, whereby the teacher confirmed that he would not be attending the hearing that was originally due to take place in June 2023. The panel also considered an email from the teacher's union representative dated 24 July 2023, whereby the union representative confirmed that the teacher would not be "engaging further with the TRA process" and that there were no objections to the hearing bundle. The panel was satisfied that the teacher was aware of the proceedings. The panel considered that the teacher had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.
- ii) The panel considered that an adjournment would not result in the teacher attending voluntarily;
- iii) The panel considered that an adjournment would be lengthy given the number of witnesses attending to give evidence and the need to ensure that witnesses would be available;
- iv) The panel noted that the defendant did not have a legal representative and no wish to adjourn to obtain legal representation was expressed;
- v) The panel had seen the benefit of representations made by the teacher and was able to ascertain the lines of defence. The panel had the teacher's evidence addressing mitigation and recognised that it was able to take this into account at the relevant stage. The panel noted that all key witnesses relied upon were called to give evidence and the panel was able to test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, as was reasonably available on the evidence. The panel had not identified any significant gaps in the documentary evidence provided to it and had such gaps arisen during the course of the hearing, the panel were able to take any gaps into consideration in considering whether the hearing should be adjourned for such documents to become available, and in considering whether the presenting officer had discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account

the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account;

- vi) The panel considered the teacher's reasons for his non-attendance at the hearing. The panel noted that the teacher did not wish to attend the hearing because it was his view that: (i) [REDACTED] (ii) the process had already taken over 2 years and the information he had provided had not been taken into account, and (iii) the process has had a negative impact [REDACTED]. The panel noted that the teacher had provided a written statement, together with supporting evidence, to be considered at the hearing in his absence. The panel concluded that the risk of reaching an improper conclusion about the absence of the teacher was low;
- vii) 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;
- viii) The panel recognised that the efficient disposal of allegations against teachers was required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged was said to have taken place whilst the teacher was employed at Westbury Academy. The panel considered that the Academy would have had an interest in this hearing taking place in order to move forwards; and
- ix) The panel also noted that there were a number of witnesses present at the hearing, who were prepared to give evidence, and that it would have been inconvenient for them to return again. The panel recognised that delaying the case may have impacted upon the memories of those 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; by taking such measures referred to above to address that unfairness insofar as was possible; and taking account of the inconvenience an adjournment would have caused to the witnesses; that on balance, these were serious allegations and the public interest in the hearing proceeding within a reasonable time was in favour of the hearing continuing.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 7 to 10

Section 2: Notice of hearing and response – pages 11 to 18

Section 3: Teaching Regulation Agency witness statements – pages 19 to 28

Section 4: Teaching Regulation Agency documents – pages 29 to 448

Section 5: Teacher’s representations – pages 449 to 490

Section 6: Service documents – pages 491 to 512

The panel also received an anonymised witness list which was provided separately to the bundle.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

Witnesses

The panel heard oral evidence from:

1. Witness A – [REDACTED];
2. Witness B – [REDACTED]; and
3. Witness C – [REDACTED].

The witnesses were called by the presenting officer.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

On 23 November 2015, Mr Stendall began employment at Westbury Academy (“the Academy”) as a Class Teacher.

According to the Academy’s records, Mr Stendall was absent from the Academy due to sickness from 26 September 2019 until 13 December 2019. A phased return was put in place to 26 January 2020. As part of his phased return to work, Mr Stendall attended in-person TeamTeach (Restrictive Physical Intervention/Positive Behaviour Management) training on 16, 17 and 18 December 2019.

From 5 February 2020 to 17 March 2020 Mr Stendall was absent due to sickness and was put on a phased return to 31 March 2020. From 18 March 2020 until 31 August 2020, Mr Stendall was absent from work due to sickness and/or working from home, [REDACTED]. Mr Stendall returned to work on 1 September 2020.

Mr Stendall was absent due to sickness from 6 November 2020 to 27 November 2020. Mr Stendall returned to work on 30 November 2020.

On 7 December 2020, an incident occurred in class which had involved Mr Stendall removing Pupil A from class. It was reported that Mr Stendall had placed Pupil A into a headlock to remove [REDACTED] from the classroom and that Mr Stendall had continued to walk with Pupil A in this hold down the corridor. It was also reported that Mr Stendall had returned to the classroom and had verbally threatened to place other pupils into a headlock if they misbehaved.

On 9 December 2020, Mr Stendall was suspended from the Academy. On 10 December 2020, Mr Stendall confirmed that he would be absent from work due to sickness.

On 16 December 2020, the Childcare Safeguarding Coordinator of Nottingham City Council confirmed that no further action would be taken from a police perspective, however, the matter would be logged as a common assault.

On 30 January 2021, Mr Stendall ceased his employment at Raleigh Education Trust.

On 17 May 2021, a disciplinary hearing was conducted and the outcome was communicated to Mr Stendall on 24 May 2021. Mr Stendall was referred to the Disclosure and Barring Service on 24 November 2021.

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:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Teacher at Westbury Academy:

1. On 7 December 2020, you placed Pupil A into a headlock in the presence of Witness A and pupils in your class;

The panel considered the written and oral witness testimony of Witness A, who was present during the lesson in which the incident occurred.

Witness A stated that at the start of the lesson, Mr Stendall did not seem his “usual calm self” and seemed stressed, and was shouting at pupils in class. Witness A also described Pupil A to be “sulky” but not violent, and not known for causing issues or requiring physical intervention by members of staff.

Witness A stated that Pupil A had been making noises during the lesson. Pupil A was asked to leave the classroom and had refused to do so. Witness A stated that this was

not the usual procedure. The usual strategy to adopt would have been to approach Pupil A calmly and individually, to discuss their behaviour and to ask that they take themselves to a withdrawal room in order to calm themselves down. However, Witness A stated that Mr Stendall approached Pupil A in an aggressive manner, had started to shout at [REDACTED] and had grabbed Pupil A's left arm in a way that was not advocated by TeamTeach.

Witness A confirmed that [REDACTED] initially went to support Mr Stendall as [REDACTED] thought he was attempting to escort Pupil A out of the room, however, Mr Stendall had then put Pupil A into a headlock. In [REDACTED] witness statement, Witness A stated that "Matthew Stendall's arm was right around Pupil A's neck." Witness A had also demonstrated this to the Investigating Officer in [REDACTED] interview as part of the Academy's investigation.

Witness A stated that Mr Stendall's actions were not justified and that [REDACTED] was shocked and could not believe what [REDACTED] was seeing. Witness A stated that throughout this intervention, Pupil A was calm and was not aggressive towards Mr Stendall. When questioned as to what the correct "hold" procedure should have been in this situation, Witness A stated there was no need for any TeamTeach physical intervention to be used with Pupil A. In this instance, Witness A stated that Pupil A should have been spoken to in a calm manner and [REDACTED] would have voluntarily left the room.

Witness A stated that [REDACTED] had a good relationship with Pupil A, as Pupil A attended the football sessions that [REDACTED] would run, and that from previous experience, Pupil A would have left the room calmly with [REDACTED] had Mr Stendall not intervened. Witness A stated that Pupil A was not aggressive in class nor was [REDACTED] a threat to pupils or [REDACTED], and therefore, there was no need for any physical intervention.

Witness A stated that [REDACTED] had returned to the classroom, the pupils had questioned what had occurred and they had appeared to be upset at what they had witnessed.

The panel also considered the written and oral witness testimony of Witness C. Witness C confirmed that [REDACTED] (together with another member of staff) provided TeamTeach training to Mr Stendall and another teacher on 16, 17 and 18 December 2019. This training would be valid for a period of two (2) years. Witness C confirmed that this training took place in-person and would have focused on practical training methods. Witness C stated that the training focused on a method of using "calm scripts", which is where a teacher would use calm language towards a pupil in order to de-escalate a situation where a child was dysregulated. Witness C stated that staff were also trained that Restrictive Physical Intervention was a last resort.

Witness C confirmed that once the TeamTeach training has taken place, the teacher would have needed to complete an assessment. Witness C confirmed [REDACTED] was satisfied that Mr Stendall had attended and passed the training, and that [REDACTED] was able to use all techniques that were taught effectively.

Witness C stated that a headlock is not in the TeamTeach practice and that it is not delivered as a technique. Witness C stated that the teachers have a range of holds that they are taught as part of the training but they are not taught to put a child into a headlock.

The panel also took into account the representations provided by Mr Stendall in both his interview with the Investigating Officer and his written representations. Mr Stendall had described Pupil A as being “very silly” and “disruptive” in the lesson. Mr Stendall also stated that Pupil A had refused to leave the class and so he had attempted to use a TeamTeach hold to remove Pupil A from the classroom to a place of safety, but that Pupil A became angry and had started to “violently and aggressively kick out”. Mr Stendall also stated that the situation had become “dangerous” and he had become concerned for his own safety, the safety of Witness A, and the pupils in the class. As a result, Mr Stendall stated that he decided to “hold Pupil A round the neck in a headlock to get him out of the class”. The panel noted that Mr Stendall had admitted that a headlock was not a TeamTeach hold and that he should have acted differently in the circumstances.

The panel also took into account a written incident statement provided by Pupil A following the incident, which stated that both Mr Stendall and Witness A could not remove [REDACTED] from the classroom. Pupil A also stated that “Mr Stendall got me in a headlock because I was kicking off” and that “Mr Stendall had his arm around my neck and I couldn’t breathe”.

The panel noted that Pupil A’s statement was also corroborated by statements provided by Pupils B, C, D, E and F, who were in Pupil A’s class at the time of the incident and who all confirmed that they had witnessed Mr Stendall placing Pupil A into a headlock to remove [REDACTED] from the classroom.

The panel found this allegation proven.

2. On 7 December 2020, you continued to hold Pupil A in a headlock whilst leading him down a corridor, in the presence of members of staff and pupils;

In [REDACTED] interview with the Investigating Officer, Witness A stated that [REDACTED] had witnessed Mr Stendall walk down the corridor with Pupil A in a headlock. In [REDACTED] witness statement, Witness A stated that Mr Stendall “opened the door and walked down the corridor with Pupil A still in a headlock” and that they had travelled like this for “15 – 20 metres”.

Witness A also stated that Pupil A “was not fighting back during the headlock” and was “not abusive or violent” towards Mr Stendall. Witness A described Pupil A as having

appeared very calm and in shock at having been placed in a headlock. Witness A stated that it was false information that Pupil A had been kicking and punching Mr Stendall during the incident. Witness A also stated that when walking with Pupil A in a headlock, Mr Stendall had stated “I am about to pack my bags and leave” or words to that effect.

The panel also considered the evidence of Witness B, in which Witness B states that upon being alerted to excessive noise in the corridor, [REDACTED] had witnessed Mr Stendall walking past [REDACTED] towards the exit in Key Stage 3 with Pupil A in a headlock. Witness B also stated that a headlock is “not a recognised student hold” and that all staff are “team teach trained where we are taught that it is not a recognised hold.”

Witness B stated that this incident was witnessed by other members of staff and also other pupils as the classroom doors were usually kept open. Witness B stated that this caused a disruption to other lessons. Witness B stated that Pupil A did not appear to be struggling and was compliant when in the headlock position.

Pupil A stated in [REDACTED] interview that Mr Stendall had dragged [REDACTED] out of the classroom and into the corridor. This evidence is also corroborated by Pupils D, E and F, who stated that once Mr Stendall had put Pupil A into a headlock, he had moved Pupil A out of the classroom.

The panel also noted that in his interview as part of the disciplinary investigation, Mr Stendall had initially stated that he was “trying to escort [Pupil A] along by any means possible.” However, the panel also noted that Mr Stendall had later admitted in his written representations that he had held Pupil A in a headlock “to get [REDACTED] out of the class and down the corridor to Withdrawal”.

The panel found this allegation proven.

3. On 7 December 2020, you returned to your classroom and threatened pupils by saying stating words “Carry on and I will put you in a headlock and take you out” or words to that effect.

The panel noted Witness A’s comments in both [REDACTED] interview with the Investigating Officer and [REDACTED] witness statement, where [REDACTED] said that upon returning to the classroom, [REDACTED] had witnessed Mr Stendall state *“if this noise and behaviour carries on, I’ll be doing the same to you – putting you in a headlock like [Pupil A] – do I make myself clear?”*. Witness A confirmed that [REDACTED] had witnessed this occur in [REDACTED] oral testimony.

The panel also noted that this evidence was corroborated by a number of pupils in their Pupil Incident Forms submitted on 10 December 2020. Pupils B, C, D, E and F all stated that Mr Stendall had threatened to put them all into a headlock and/or had asked if they wanted to be put into a headlock.

The panel noted that Mr Stendall had initially denied making any comments to this effect upon returning to the classroom. In his statement dated 7 December 2020, Mr Stendall stated that he did not recall making a threat to pupils. However, in his own written representations, Mr Stendall referred to “comments [he] made to the rest of the class during the course of the investigation” and stated that he should have admitted to these sooner.

The panel found this allegation proven.

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

Having found 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 Stendall, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Stendall 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 ...

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 the conduct of Mr Stendall, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Stendall failed to safeguard and promote the welfare of children by placing Pupil A into a headlock, continuing to hold Pupil A in a headlock and threatening other pupils.

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

The panel also considered whether Mr Stendall'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 violence 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.

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

The panel then considered the issue of whether Mr Stendall's conduct constituted 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 Stendall'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 violence 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 conduct that may bring the profession into disrepute.

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

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

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

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Stendall 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 Stendall, which involved findings that Mr Stendall had placed Pupil A into a headlock, had continued to hold Pupil A in a headlock, and had threatened to place other pupils into a headlock, there was a strong public interest consideration in declaring proper standards of conduct in the profession as the conduct found against Mr Stendall was outside that which could reasonably be tolerated.

There was also a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings that Mr Stendall had used an unauthorised method of physical intervention and had also threatened to use the same method on other pupils. In particular, the panel noted that the incident had occurred in front of other pupils and therefore Mr Stendall had exposed them to harmful behaviour. The panel noted the evidence of Witness A, which stated that other pupils were commenting on the incident and had asked what was going to be done about it.

The panel also considered Pupil A's comments that [REDACTED] could not breathe when [REDACTED] was in a headlock, and also noted Witness A's comments that Pupil A was a darker colour when [REDACTED] was in the hold. The panel noted these observations to be particularly serious as the act was clearly harmful towards Pupil A.

The panel noted that Mr Stendall was in an influential role as a teacher, and was expected to set a good example to the pupils but failed to do so.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stendall were not treated with the utmost seriousness when regulating the conduct of the profession. In particular, the panel noted that Mr Stendall's actions were public in that other staff members and pupils had witnessed the incident that occurred, and therefore, the incident would have been widely known by parents and across the community.

The panel noted that there was no evidence of Mr Stendall's ability as an educator. Therefore, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Stendall in the profession, since his behaviour

fundamentally breached the standard of conduct expected of a teacher and was an abuse of his position as a teacher.

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 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)
- Failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE) and
- 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 the mitigation offered by the teacher and whether there were mitigating circumstances.

Mr Stendall's actions were deliberate. There was no evidence to suggest that Mr Stendall was acting under extreme duress, e.g. a physical threat or significant intimidation. The panel was satisfied that Mr Stendall had received specific TeamTeach training and would have been aware of what the expectations were and how they should have been met.

The panel did not see any evidence to suggest that the teacher had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector.

The panel took into account the representations of Mr Stendall, in which he explained the circumstances that had existed prior to the incident with Pupil A. In particular, the panel had noted that Mr Stendall was involved in a separate incident with Pupil G prior to the incident with Pupil A, in which Pupil G was violent and had "physically assaulted" Mr Stendall. The panel noted from Mr Stendall's evidence that this incident had severely affected his judgment.

The panel also took into account Mr Stendall's evidence that Pupil A was very disruptive prior to the incident, and that he had felt concerned for his safety which is why he placed Pupil A into a headlock. However, the panel noted that this had been refuted by Witnesses A and B, who confirmed that Pupil A was calm throughout the incident and was not aggressive towards Mr Stendall. The panel did not accept Mr Stendall's reasoning for placing Pupil A into a headlock.

The panel also took into account Mr Stendall's statement that he had previously suffered from [REDACTED]. The panel also noted that [REDACTED]. The panel noted Mr Stendall's comments that he had returned to work sooner than he should have done, despite stating that he was ready to return in November 2020.

The panel also took into account Witness A's evidence, in which [REDACTED] stated that following his return to work in November 2020, Mr Stendall was not his "usual self" and appeared agitated. Witness A stated that he was quite reserved and that [REDACTED] had reported these concerns to [REDACTED] colleagues. The panel also took into account Witness B's comments that the Academy did not adequately support the [REDACTED] of its teaching staff.

The panel accepted that the incident took place within a very challenging context and that Mr Stendall was clearly [REDACTED] at the time which may have impacted upon his judgment. However, the panel also considered that Mr Stendall was well aware of his role and the nature of the pupils' behaviour at the Academy and was adequately trained to deal with this. The panel also noted that at the time of the incident, there was a pupil to adult ratio of 1:3 and therefore, the panel did not consider that Mr Stendall would have been under undue pressure to act as he did during the lesson.

The panel saw evidence that showed Mr Stendall was previously subject to disciplinary proceedings. The panel noted that whilst the conduct in these proceedings differed from the conduct in this case, Mr Stendall had made similar representations during those proceedings that: (i) he was acting out of character, (ii) he did not feel supported by senior management, and that (iii) his actions were as a result of [REDACTED].

Proportionality

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Stendall 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 Stendall. The serious nature of the unauthorised hold on Pupil A despite Mr Stendall having been properly trained that this was not the correct cause of action, together with Mr Stendall's threats against other pupils were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to 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 a longer period before a review is considered appropriate. One of these cases includes violence. The panel found that Mr Stendall was responsible for placing pupil A into a headlock, holding Pupil A in a headlock whilst walking down the corridor, and threatening to put other pupils into a headlock.

The panel considered that Mr Stendall had shown no real insight into his behaviour. In particular, the panel noted that Mr Stendall was initially dishonest about his conduct during the Academy's investigation. Whilst the panel had noted that Mr Stendall had since accepted responsibility for his actions, no remorse had been offered and there was no recognition of the impact on Pupil A, other pupils who had witnessed the incident, or colleagues.

The panel was also concerned that Mr Stendall was previously subject to professional conduct proceedings and that he had used the same reasonings for his prior behaviour. The panel considered that there had now been two separate incidents that involved a serious departure from the teachers' standards, and therefore considered that the risk of repetition of this was high. The panel was particularly concerned that a further incidence of [REDACTED] or a [REDACTED] would lead to further lapses in judgment, and further departure from the teachers' standards. The panel also took into account Mr Stendall's own comment that he did not wish to return to the teaching profession in any event.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Stendall 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 ...

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 the conduct of Mr Stendall involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Mr Stendall fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of failing to safeguard and promote the welfare of children by using an unauthorised hold on a pupil and threatening other 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 and conduct likely to 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 Stendall, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “Mr Stendall had used an unauthorised method of physical intervention and had also threatened to use the same method on other pupils. In particular, the panel noted that the incident had occurred in front of other pupils and therefore Mr Stendall had exposed them to harmful behaviour.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel considered that Mr Stendall had shown no real insight into his behaviour. In particular, the panel noted that Mr Stendall was initially dishonest about his conduct during the Academy’s investigation. Whilst the panel had noted that Mr Stendall had since accepted responsibility for his actions, no remorse had been offered and there was no recognition of the impact on Pupil A, other pupils who had witnessed the incident, or colleagues.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stendall were not treated with the utmost seriousness when regulating the conduct of the profession. In particular, the panel noted that Mr Stendall’s actions were public in that other staff members and pupils had witnessed the incident that occurred, and therefore, the incident would have been widely known by parents and across the community.” I am particularly mindful of the finding that his actions were clearly harmful towards Pupil A 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 likely to 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 Stendall himself. The panel comment that it “did not see any evidence to suggest that the teacher had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector.”

The panel also notes that “the incident took place within a very challenging context and that Mr Stendall was clearly [REDACTED] at the time which may have impacted upon his judgment. However, the panel also considered that Mr Stendall was well aware of his role and the nature of the pupils’ behaviour at the Academy and was adequately trained to deal with this.”

A prohibition order would prevent Mr Stendall 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 insight or remorse. As noted above, the panel found that Mr Stendall had offered no real insight into his behaviour and had offered no remorse.

I have also placed considerable weight on the finding of the panel about the “serious nature of the unauthorised hold on Pupil A despite Mr Stendall having been properly trained that this was not the correct cause of action, together with Mr Stendall’s threats against other pupils.”

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

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

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

I have considered the panel’s comments that “there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases includes violence. The panel found that Mr Stendall was responsible for placing pupil A into a headlock, holding Pupil A in a headlock whilst walking down the corridor, and threatening to put other pupils into a headlock.”

The panel states that it “was also concerned that Mr Stendall was previously subject to professional conduct proceedings and that he had used the same reasonings for his prior behaviour. The panel considered that there had now been two separate incidents that involved a serious departure from the teachers’ standards, and therefore considered that the risk of repetition of this was high. The panel was particularly concerned that a further incidence of [REDACTED] or a [REDACTED] would lead to further lapses in judgment, and further departure from the teachers’ standards. The panel also took into account Mr Stendall’s own comment that he did not wish to return to the teaching profession in any event.”

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the unauthorised hold used on a pupil and the threats against other pupils and the lack of either insight or 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 Matthew Stendall 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 Stendall 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 Stendall 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 'D Oatley', written in a cursive style.

Decision maker: David Oatley

Date: 15 September 2023

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